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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 42

Standards for Condition of Food Containers

CFR Correction

In Title 7 of the Code of Federal Regulations, Parts 27 to 52, revised as of January 1, 2013, on page 203, in § 42.132, in paragraph (a), in the table, for the entry 6.5, under "Reduced", in column T, the entry "1" is added.

[FR Doc. 2013–30654 Filed 12–20–13; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Doc. No. AMS–FV–13–0056; FV13–984–1 FR]

Walnuts Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the California Walnut Board (Board) for the 2013–14 and subsequent marketing years from $0.0175 to $0.0189 per kernelweight pound of merchantable walnuts. The Board locally administers the marketing order, which regulates the handling of walnuts grown in California. Assessments upon walnut handlers are used by the Board to fund reasonable and necessary expenses of the program. The marketing year begins on September 1 and ends on August 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: *Effective Date:* December 24, 2013.

FOR FURTHER INFORMATION CONTACT: Andrea Ricci, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Andrea.Ricci@ams.usda.gov* or *Martin.Engeler@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutney, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutney@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 984, as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866 and 13563.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning on September 1, 2013, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Board for the 2013–14 and subsequent marketing years from $0.0175 to $0.0189 per kernelweight pound of merchantable walnuts handled.

The California walnut marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are growers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are therefore in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2011–12 and subsequent marketing years, the Board recommended, and USDA approved, an assessment rate of $0.0175 per kernelweight pound of merchantable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on June 6, 2013, and unanimously recommended 2013–14 expenditures of $10,166,860 and an assessment rate of $0.0189 per kernelweight pound of merchantable walnuts. In comparison, last year's budgeted expenditures were $8,840,000. The assessment rate of $0.0189 is $0.0014 per pound higher than the rate currently in effect. The quantity of assessable walnuts for the 2013–14 marketing year is estimated at 486,000 tons (inshell), which is 6,000 tons higher than last year's. At the recommended higher assessment rate of

$0.0189 per kernelweight pound, the Board should collect approximately $8,266,860 in assessment income. Assessment income plus funds from the Board's authorized prior year's carry-in financial reserve and Foreign Agricultural Service (FAS) funding would be adequate to cover its 2013–14 anticipated expenditures of $10,166,860.

The major expenditures recommended by the Board for the 2013–14 marketing year include $830,000 for employee expenses, $146,500 for office expenses, $225,000 for operating expenses, and $8,965,360 for program expenses, which include domestic market development, production research, post-harvest research, and industry communications. In comparison, budgeted expenses for these items for the 2012–13 marketing year were $797,000, $119,000, $219,000, and $7,705,000, respectively.

The assessment rate recommended by the Board was derived by evaluating expected shipments of California walnuts certified as merchantable, budgeted expenses, the level of available prior year's carry-in financial reserve, and the desired 2013–14 ending financial reserve. The Board met on June 6, 2013, and unanimously approved using a three prior years' average to formulate the 2013–14 estimate of 486,000 tons (inshell) for merchantable shipments. Pursuant to § 984.51(b) of the order, this figure is converted to a merchantable kernelweight basis using a factor of 0.45 (486,000 tons × 2,000 pounds per ton × 0.45), which yields 437,400,000 kernelweight pounds. The Board determined that it could utilize $1.9 million from its carry-in financial reserve and still maintain an adequate 2013–2014 ending financial reserve. The remaining $8,266,860 needed to meet budgeted expenses would need to be raised through assessments. Dividing the $8,266,860 in necessary assessment revenue by 2013 estimated merchantable shipments of 437,400,000 kernelweight pounds, results in an assessment rate of $0.0189 per pound. Income derived from handler assessments, combined with funds from the Board's financial reserve and FAS funding for the last year of a three-year project, would adequately cover budgeted expenses.

Reserve funds by the end of the 2013–14 marketing year are projected to be $6,234,895, which is well within the maximum permitted by the order of approximately two marketing years' expenses. Section 984.69 of the order authorizes the Board to maintain a financial reserve of not more than two years' budgeted expenses. Excess assessment funds may be retained in the reserve or may be used temporarily to defray expenses of the subsequent marketing year, but if so used, must be made available to the handlers from whom they were collected within five months after the end of the marketing year.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate will be in effect for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations to modify the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2013–14 budget and those for subsequent marketing years would be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 4,100 growers of California walnuts in the production area and approximately 90 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000. (13 CFR 121.201)

Current census data from the USDA's National Agricultural Statistics Service (NASS) indicates that approximately 90 percent of California's walnut farms are smaller than 100 acres.

NASS reports that the average yield for the 2011–12 crop was 1.88 tons per acre and the average price received for the 2011–12 crop was $2,900 per ton.

A 100-acre farm with an average yield of 1.88 tons per acre would therefore have been expected to produce about 188 tons of walnuts during the 2011–12 season. At $2,900 per ton, that farm's production would have had an approximate value of $545,200. Assuming that the majority of California's walnut farms are smaller than 100 acres, it could be concluded that the majority of the growers had receipts of less than $545,200 in 2011–12, which is well below the SBA threshold of $750,000. Thus, the majority of California's walnut growers would be classified as small growers according to SBA's definition.

According to information supplied by the industry, approximately 40 percent of California's walnut handlers shipped merchantable walnuts valued under $7,000,000 during the 2011–12 marketing year and would therefore be considered small handlers according to the SBA definition.

This rule increases the assessment rate established by the Board and applicable to merchantable walnut handlers for the 2013–14 and subsequent marketing years from $0.0175 to $0.0189 per kernelweight pound. The Board unanimously recommended 2013–14 expenditures of $10,166,860 and an assessment rate of $0.0189 per kernelweight pound of merchantable walnuts. The assessment rate of $0.0189 is $0.0014 higher than the 2012–13 rate. The quantity of merchantable walnuts for the 2013–14 marketing year is estimated at 486,000 tons inshell weight, or 437,400,000 pounds kernelweight. Thus, the $0.0189 rate should provide $8,266,860 in assessment income. Assessment income, along with funds from the Board's authorized prior year's carry-in financial reserve, plus FAS funding for the last year of a three-year project would adequately cover its 2013–14 anticipated expenditures.

The major expenditures recommended by the Board for the 2013–14 marketing year include $830,000 for employee expenses, $146,500 for office expenses, $225,000 for operating expenses, and $8,965,360 for program expenses, which include domestic market development,

production research, post-harvest research, and industry communications. In comparison, budgeted expenses for these items for the 2012–13 marketing year were $797,000, $119,000, $219,000, and $7,705,000, respectively.

The Board recommended the increased assessment rate because the rate currently in effect would not generate sufficient revenue to meet its budgeted expenses. The increased assessment rate applied to estimated assessable walnuts in the 2013–14 marketing year is expected to generate sufficient revenue to meet expenses, when combined with funds from the financial reserve and grant funds from FAS.

Prior to arriving at this budget, the Board considered alternative expenditure levels but ultimately decided that the recommended levels were reasonable to properly administer the order.

According to the National Agricultural Statistical Service (NASS), the season average grower prices for the years 2010 and 2011 were $2,040 and $2,900 per ton, respectively. These prices provide a range within which the 2013–14 season average prices could fall. Dividing these average grower prices by 2,000 pounds per ton provides an inshell price per pound range of $1.02 to $1.45. Dividing these inshell prices per pound by the 0.45 conversion factor (inshell to kernelweight) established in the order, yields a 2013–14 price range estimate of $2.27 to $3.22 per kernelweight pound of merchantable walnuts.

Utilizing these estimates and the assessment rate of $0.0189 per kernelweight pound, estimated assessment revenue as a percentage of total estimated grower revenue should likely range between 0.59 and 0.83 percent for the 2013–14 marketing year (assessment rate divided by price per kernelweight pound).

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to growers. However, these costs are offset by the benefits derived from the operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the California walnut industry. All interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the June 6, 2013, meeting was a public meeting. All entities, both large and small, were able to express their views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Walnuts Grown in California). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide more opportunities for citizens to access Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on September 17, 2013 (78 FR 57101). Copies of the proposed rule were also made available to all walnut handlers by Board staff. Finally, the proposal was made available through the internet by the USDA and the Office of Federal Register. A 30-day comment period ending October 17, 2013, was provided for interested persons to respond to the proposal. One comment was received. The commenter raised a question about the effect of this action in regard to black walnut trees. Black walnut trees aren't regulated by the marketing order; therefore, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrderSmallBusinessGuide*. Any questions about the compliance guide should be sent to Jeffrey Smutney at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, and hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2013–14 marketing year began on September 1, 2013, and the marketing order requires that the rate of assessment for each marketing year apply to all merchantable walnuts handled during the year; (2) the Board needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (3) handlers are aware of this action, which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in past years. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after September 1, 2013, an assessment rate of $0.0189 per kernelweight pound is established for California merchantable walnuts.

Dated: December 17, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–30414 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1217

[Document Number AMS–FV–13–0038]

Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Changes to the Membership of the Softwood Lumber Board

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This rule changes the membership of the Softwood Lumber Board (Board) established under the Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order (Order). The Board administers the Order with oversight by the U.S. Department of Agriculture (USDA). Under the Order, assessments are collected from U.S. manufacturers (domestic) and importers and used for projects to promote softwood lumber within the United States. This rule revises the Board's membership to reflect the diversity of the industry in terms of size of operation; allows companies that operate in multiple geographic regions to seek representation in any region in which they operate (U.S. or import); adds flexibility for the Board to nominate eligible persons to fill vacancies that occur during a term; and re-designates the States of Virginia and West Virginia to the U.S. South Region. These changes will help facilitate program operations.

DATES: *Effective Date:* December 24, 2013.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, P.O. Box 831, Beavercreek, Oregon 97004; telephone: (503) 632–8848; facsimile (503) 632–8852; or electronic mail: *Maureen.Pello@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under the Order. The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a "non-significant regulatory action" under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This rule changes the Board's membership provisions under the Order. The Board administers the Order with oversight by USDA. Under the Order, assessments are collected from U.S. manufacturers and importers and used for projects to promote softwood lumber within the United States. This rule revises the Board's membership to reflect the diversity of the industry in terms of size of operation; allow companies that operate in multiple regions to seek representation in any region in which they operate (U.S. or import); add flexibility for the Board to nominate eligible persons to fill vacancies that occur during a term; and re-designate the States of Virginia and West Virginia to the U.S. South Region. These changes will help facilitate program operations and were unanimously recommended by the Board in July 2013.

Pursuant to section 1217.40(b), the Board is composed of 18 or 19 members, depending upon whether an additional importer member is appointed to the Board. Twelve members are domestic manufacturers and six members are importers of softwood lumber from Canada. Of the 12 domestic manufacturers, 6 represent the U.S. South, 5 represent the U.S. West and 1 represents the Northeast and Lake States. Of the six Canadian importers, four represent Canada West and two represent Canada East. An additional importer member may be appointed to represent all other importing countries besides Canada. Section 1217.40(c)(2) provides authority for the Board to recommend changes to its membership and nomination process.

The Board met on May 7 and 8, 2013, and reviewed program operations, including the Board's structure and nomination process. The Board reviewed these issues further and made the following four recommendations in July 2013.

Board Diversity and Size of Operation

The Board recommended that its regional membership be revised to reflect the diversity of the industry in terms of size of operation. About 8 percent of the companies covered under the Order account for the top two-thirds of the total annual volume of assessable softwood lumber (both domestic and imports). These companies are considered large by the industry in terms of size of operation. Some of these companies operate in multiple regions and some are both a domestic manufacturer and an importer of softwood lumber. Ninety-two percent of the companies covered under the Order account for the remaining one-third of the total annual volume of assessable softwood lumber. These are considered small by the industry in terms of size of operation.

The Board wants to ensure that this diversity is reflected within each region. The Board analyzed each region's volume of assessable softwood lumber in relation to the region's volume attributed to small and large companies. Table 1 below shows this analysis based on 3-year average data (2010–2012).

TABLE 1—REGIONAL ANALYSIS OF ASSESSABLE SOFTWOOD LUMBER BY SIZE OF OPERATION

Region	Assessable volume (billion board feet)	Large companies	Small companies
		Regional volume (billion board feet)	Regional volume (billion board feet)
U.S. South	10.436	5.951 (57%)	4.485 (43%)
U.S. West	10.548	8.017 (76%)	2.511 (24%)
NE. and Lake States	0.749	0.229 (31%)	0.520 (69%)
Canada West	4.983	3.919 (79%)	1.064 (21%)
Canada East	2.379	1.315 (55%)	1.064 (45%)

*These figures are an average of data from 2010–2012. 2012 is actual Board assessment data from its first year of operation. 2010 and 2011 Canadian data is from U.S. Customs and Border Protection. 2010 and 2011 U.S. data is from Forest Economic Advisors.

It is noted that for the U.S. South, while the majority of the volume of assessable softwood lumber is attributed to large companies, almost 90 percent of the number of companies operating in this region are small. The Board considered this in its recommended distribution of Board seats as shown in Table 2 below.

TABLE 2—ALLOCATION OF BOARD SEATS BASED ON SIZE OF OPERATION

Size of operation	Number of seats					
	U.S. South	U.S. West	NE. and lake states	Canada east	Canada west	Non-Canadian importer
Large companies	2	4		1	3	
Small companies	4	1	N/A	1	1	N/A
	6	5	1	2	4	1

*The Northeast and Lake States member and non-Canadian importer member may represent companies of any size.

Additionally, if there were no eligible nominees for a large or small seat within a region, that seat may be filled by a nominee representing a company of any size. Should a company's size change during a member's term of office, that member may serve for the remainder of the term to which they were appointed. Section 1217.40(b) is revised accordingly. Modifications have been made in this final rule to clarify that the changes to paragraphs (a) and (b) in section 1217.40 will become effective for the term of office beginning January 1, 2015.

Further, section 1217.40(c) requires the Board to periodically review the geographic distribution of the volume of softwood lumber manufactured and shipped within the United States by domestic manufacturers and the volume of softwood lumber imported into the United States. This section is revised to require the Board to also periodically review the distribution of seats based on size of operation and recommend changes as necessary. Section 1217.40(c) is revised accordingly.

Entities That Operate in Multiple Regions (U.S. and/or Import)

Currently, section 1217.41(b)(3) provides that nominees that are both a domestic manufacturer and importer may seek nomination to the Board as either a domestic manufacturer or an importer, but not both. Nominees who domestically manufacture the majority of their softwood lumber must seek representation as a domestic manufacturer and nominees who import the majority of their softwood lumber must seek representation as an importer. Section 1217.41(b)(4) provides that domestic manufacturers who manufacture and domestically ship from more than one U.S. region must seek representation in the region of the majority of their softwood lumber. Further, section 1217.41(b)(5) provides that importers who import from more than one Canadian region must seek representation in the region from which they import the majority of their softwood lumber.

As previously mentioned some entities in the softwood lumber industry are both domestic manufacturers and importers and operate in multiple regions under the Order. Industry members would like the flexibility to choose which region they represent and whether they seek a position as a domestic manufacturer or an importer on the Board. Thus, the Board recommended revising the Order so that entities that are U.S. manufacturers and importers and who may operate in multiple regions have the ability to seek representation in any region in which they operate. This will add flexibility to the nomination process by allowing companies to seek representation in their region of choice. Paragraphs (3), (4) and (5) of section 1217.41(b) are revised accordingly.

Vacancies That Occur Mid-Term

Section 1217.43(c) currently specifies that if a position becomes vacant, nominations to fill the vacancy be conducted using the nomination process set forth in the Order (section 1217.41(b)) whereby the Board solicits the names of eligible nominees and then conducts regional elections. The process is lengthy and can result in a seat remaining vacant for an extended period of time. Thus, the Board recommended revising the Order to allow the Board the flexibility to nominate eligible persons to fill vacancies that occur during a term. This will facilitate program operations by helping to ensure that vacancies are filled in a timely manner. Section 1217.43(c) is revised accordingly.

Virginia and West Virginia

Currently, section 1217.40(b)(1)(iii) specifies that the States of Virginia and West Virginia are included as part of the Northeast and Lake States Region under the Order. However, softwood lumber from Virginia and West Virginia is

predominately pine, a much different species from the white spruce and red pine in the Northeast and Lake States, respectively. Thus, the Board recommended that the Order be revised to re-designate the States of Virginia and West Virginia as part of the U.S. South. The volume of softwood lumber from Virginia and West Virginia is relatively small (284 million board feet in 2012), so this change will have no impact on the regional distribution of seats on the Board. This change will align Virginia and West Virginia with the region in which they have more in common. Section 1217.40(b)(1)(iii) is revised accordingly.

This rule also makes two minor changes to the Order. In paragraph (b) of section 1217.70 on reports, the last sentence is modified to specify that importers who pay their assessments directly to the Board must submit their report that accompanies the payment of collected assessments within 30 calendar days after the end of the quarter in which the softwood lumber was imported as opposed to 30 calendar days after importation. This language was inadvertently omitted from the final rule that implemented the Order (76 FR 46185; August 2, 2012) and will correct the Order provisions to be in line with current industry practices. This rule also changes the OMB control number in section 1217.108 from 0581–NEW to 0581–0264, the control number assigned by the OMB.

Final Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the rule on small entities. Accordingly, AMS has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (domestic manufacturers and importers) as those having annual receipts of no more than $7.0 million.

According to the Board, it is estimated that there are currently about 446 domestic manufacturers of softwood lumber in the United States. This number represents separate business entities; one business entity may include multiple sawmills. Using an average price of $322 per thousand board feet,[1] a domestic manufacturer who ships less than about 25 million board feet per year would be considered a small entity. Using 2012 data, it is estimated that about 270 domestic manufacturers, or about 60 percent[2], ship less than 25 million board feet annually.

Likewise, based on data from U.S. Customs and Border Protection (Customs) and the Board, it is estimated there are currently about 767 importers of softwood lumber. Using 2012 Customs data, about 699 importers, or about 91 percent, import less than $7.0 million worth of softwood lumber annually. Thus, for purposes of the RFA, the majority of domestic manufacturers and importers of softwood lumber would be considered small entities.

Regarding value of the commodity, with domestic production averaging about 28.5 billion board feet in 2012, and using an average price of $322 per thousand board feet, the average annual domestic value for softwood lumber is about $9.2 billion. According to Customs data, the average annual value for softwood lumber imports for 2012 is about $3.5 billion.

This rule makes four changes to the Order regarding the Board's membership. Paragraphs (1) and (2) of section 1217.40(b) are revised to reflect the diversity of the industry in terms of size of operation; paragraph 1217.40(c) is revised to require the Board to periodically review this distribution. Paragraphs (3), (4) and (5) of section 1217.41(b) are revised to allow companies that operate in multiple regions to seek representation in any region in which they operate. Section 1217.43(c) is revised to add flexibility for the Board to nominate eligible persons to fill vacancies that occur during a term. Section 1217.40(b)(1)(iii) is revised to re-designate the States of Virginia and West Virginia to the U.S. South Region. These changes were unanimously recommended by the Board and are authorized under section 1217.40(c) of the Order and section 515(b)(3) of the 1996 Act.

Regarding the economic impact of this rule on affected entities, these changes are administrative in nature and have no economic impact on entities covered under the program. These changes will help maintain the Board's balance in terms of size of operation by geographic region; add flexibility so that multi-region companies may choose which region they represent on the Board; help ensure that mid-term vacancies are filled in a timely manner; and better align the States of Virginia and West Virginia.

Regarding alternatives, the Board explored various options regarding the diversity of size of operation. The Board considered establishing a separate region for multi-region companies and companies that are both a domestic manufacturer and an importer. The Board also considered establishing some "at large" seats for multi-region companies. The Board considered weighting an entity's vote in a regional election by volume. The Board also considered maintaining the status quo and not changing the Order in this regard. After much deliberation, the Board opted to recommend allocating regional seats based on an analysis of the volume of softwood lumber within each region and the volume of assessable softwood lumber covered under the Order.

The Board considered maintaining the status quo regarding multi-region companies who may also be a domestic manufacturer and importer, filling mid-term vacancies and the regional designation for the States of Virginia and West Virginia. The Board ultimately recommended modifications to these Order provisions.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the Order have been approved previously under OMB control number 0581–0264. This rule imposes no additional reporting and recordkeeping burden on domestic manufacturers and importers of softwood lumber.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

[1] Price data was obtained from Random Lengths Publications, Inc., and is a framing composite price that is designed as a broad measure of price movement in the lumber market (*www.randomlengths.com*).

[2] Percentages were obtained from the American Lumber Standard Committee, Inc. (ALSC). The ALSC administers an accreditation program for the grade marking of lumber produced under the American Softwood Lumber Standard (Voluntary Product Standard 20). This information is also confirmed by Board data.

Regarding outreach efforts, these actions were discussed by the Board at meetings on May 7 and 8, 2013. The Board's Executive Committee discussed these issues on January 7, June 3 and 10, and July 1, 2013. All of the Board's meetings, including meetings held via teleconference, are open to the public and interested persons are invited to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on September 25, 2013 (78 FR 58956). The Board mailed copies of the rule to all known domestic manufacturers and importers of softwood lumber. The Board included notifications about the proposed rule in its newsletters and on its Web site at *softwoodlumberboard.org*. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending October 25, 2013, was provided to allow interested persons to submit comments.

Analysis of Comments

Six comments were received in response to the proposed rule, all supporting the proposal. In summary, the commenters concurred that revising the Board's membership to reflect the diversity of the industry by size of operation will help ensure that the Board reflects the make-up of the industry and provide for fair representation. Allowing entities that operate in multiple regions to choose the region they would like to represent provides flexibility and may also facilitate greater interest in serving on the Board and Board activities. One commenter opined that allowing the Board the ability to nominate candidates to fill vacancies that occur mid-term would save costs since the Board would not have to engage in a lengthy nomination process. Three commenters stated that switching the States of Virginia and West Virginia to the U.S. South Region was appropriate.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, is consistent with and will effectuate the purposes of the 1996 Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C.) because this action needs to be in effect as soon as possible to allow sufficient time for completion of the nomination process and appointments for the term of office beginning January 1, 2015. Additionally, a 30-day comment period was provided for in the proposed rule, and all six comments supported the proposed changes.

List of Subjects in 7 CFR Part 1217

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Softwood lumber promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1217 is amended as follows:

PART 1217—SOFTWOOD LUMBER RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1217 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Amend § 1217.40 by:
■ a. Revising paragraph (a);
■ b. Revising paragraphs (b)(1), (b)(2) introductory text, (b)(2)(i), and (b)(2)(ii);
■ c. Revising the introductory text to paragraph (c) and paragraph (c)(2) and adding a new paragraph (c)(3)

The changes to read as follows:

§ 1217.40 Establishment and membership.

(a) *Establishment of the Board.* There is hereby established a Softwood Lumber Board to administer the terms and provisions of this Order and promote the use of softwood lumber. The Board shall be composed of manufacturers for the U.S. market who manufacture and domestically ship or import 15 million board feet or more of softwood lumber in the United States during a fiscal period. Seats on the Board shall be apportioned based on the volume of softwood lumber manufactured and shipped within the United States by domestic manufacturers and the volume of softwood lumber imported into the United States. Commencing with the term of office beginning January 1, 2015, seats on the Board shall also be apportioned based on size of operation within each geographic region, as specified in paragraphs (b)(1)(i), (b)(1)(ii), (b)(2)(i), and (b)(2)(ii) of this section. For purposes of this section, large means manufacturers for the U.S. market who account for the top two-thirds of the total annual volume of assessable softwood lumber and small means those who account for the remaining one-third of the total annual volume of assessable softwood lumber. If there are no eligible nominees for a large or small seat within a region, that seat may be filled by a nominee representing an eligible manufacturer for the U.S. market of any size. Should the size of a manufacturer for the U.S. market change during a member's term of office, that member could serve for the remainder of the term.

(b) * * *

(1) *Domestic manufacturers.* Twelve members shall be domestic manufacturers from the following three regions:

(i) Six members shall be from the U.S. South Region, which consists of the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia. Commencing with the term of office beginning January 1, 2015, of these six members, two must be large and four must be small;

(ii) Five members shall be from the U.S. West Region, which consists of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. Commencing with the term of office beginning January 1, 2015, of these five members, four must be large and one must be small; and

(iii) One member shall be from the Northeast and Lake States Region, which consists of the states of Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin and all other parts of the United States not listed in paragraphs (b)(1)(i), (b)(1)(ii), or (b)(1)(iii) of this section.

(2) *Importers.* Six members shall be importers who represent the following regions:

(i) Four members shall import softwood lumber from the Canadian West Region, which consists of the provinces of British Columbia and Alberta. Commencing with the term of office beginning January 1, 2015, of these four members, three must be large and one must be small; and

(ii) Two members shall import softwood lumber from the Canadian East Region, which consists of the Canadian territories and all other Canadian provinces not listed in paragraph (b)(2)(i) of this section that import softwood lumber into the United States. Commencing with the term of office beginning January 1, 2015, of these two members, one must be large and one must be small.

* * * * *

(c) In each five-year period, but not more frequently than once in each three-year period, the Board shall:

* * * * *

(2) Review, based on a three-year average, the distribution of the size of operations within each region; and

(3) If warranted, recommend to the Secretary the reapportionment of the Board membership to reflect changes in the geographical distribution of the volume of softwood lumber manufactured and shipped within the United States by domestic manufacturers and the volume of softwood lumber imported into the United States. The destination of volumes between regions and the distribution of the size of operations within regions shall also be considered. The number of Board members may also be changed. Any changes in Board composition shall be implemented by the Secretary through rulemaking.

■ 3. Amend § 1217.41 by

■ a. Revising the introductory text to paragraph (b);

■ b. Revising paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5).

The changes to read as follows:

§ 1217.41 Nominations and appointments.

* * * * *

(b) Subsequent nominations shall be conducted as follows:

(1) The Board shall conduct outreach to all segments of the softwood lumber industry. Softwood lumber domestic manufacturers and importers may submit nominations to the Board. Subsequent nominees must domestically manufacture and/or import 15 million board feet or more of softwood lumber per fiscal year;

(2) Domestic manufacturers and importer nominees may provide the Board a short background statement outlining their qualifications to serve on the Board;

(3) Nominees that are both a domestic manufacturer and an importer may seek nomination to the Board and vote in the nomination process as either a domestic manufacturer or an importer, but not both. Such nominees must domestically manufacture and import 15 million board feet or more of softwood lumber per fiscal year;

(4) The names of domestic manufacturer nominees shall be placed on a ballot by region. The ballots along with the background statements shall be mailed to domestic manufacturers in each respective region for a vote. Domestic manufacturers who manufacture softwood lumber in more than one region may seek nomination and vote in one region of their choice. The votes shall be tabulated for each region with the nominee receiving the highest number of votes at the top of the list in descending order by vote. The top two candidates for each position shall be submitted to the Secretary;

(5) The names of importer nominees shall be placed on a ballot by region. The ballots along with the background statements shall be mailed to importers in each respective region for a vote. Importers who import softwood lumber from more than one region may seek nomination and vote in one region of their choice. The votes shall be tabulated for each region with the nominee receiving the highest number of votes at the top of the list in descending order by vote. The top two candidates for each position shall be submitted to the Secretary.

* * * * *

■ 4. Amend § 1217.43 by revising paragraph (c) to read as follows:

§ 1217.43 Removal and vacancies.

* * * * *

(c) If a position becomes vacant, nominations to fill the vacancy may be conducted using the nominations process set forth in § 1217.41(b) or the Board may nominate eligible persons. A vacancy will not be required to be filled if the unexpired term is less than 6 months.

■ 5. Amend § 1217.70 by revising paragraph (b) to read as follows:

§ 1217.70 Reports.

* * * * *

(b) For domestic manufacturers, such information shall accompany the collected payment of assessments on a quarterly basis specified in § 1217.52. For importers who pay their assessments directly to the Board, such information shall accompany the payment of collected assessments within 30 calendar days after the end of the quarter in which the softwood lumber was imported.

■ 6. Section 1217.108 is revised to read as follows:

§ 1217.108 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 4 U.S.C. is OMB control number 0581–0264.

Dated: December 17, 2013.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2013–30394 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–02–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG37

Small Business Size Standards: Construction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The United States Small Business Administration (SBA) is increasing two small business size standards in North American Industry Classification System (NAICS) Sector 23, Construction, and retaining the current standards for the 30 remaining industries in that Sector. Specifically, SBA is increasing the size standards for NAICS 237210, Land Subdivision, from $7 million in average annual receipts to $25.5 million, and for Dredging and Surface Cleanup Activities, a sub-industry category (or an "exception") under NAICS 237990, Other Heavy and Civil Engineering Construction, from $20 million to $25.5 million. As part of its ongoing comprehensive size standards review, SBA evaluated all size standards in NAICS Sector 23 to determine whether they should be retained or revised.

DATES: This rule is effective January 22, 2014.

FOR FURTHER INFORMATION CONTACT: Carl Jordan, Program Analyst, Office of Size Standards, (202) 205–6618 or *sizestandards@sba.gov*.

SUPPLEMENTARY INFORMATION: To determine eligibility for Federal small business assistance programs, SBA establishes small business size definitions (referred to as size standards) for private sector industries in the United States. The SBA's existing size standards use two primary measures of business size, average annual receipts and number of employees. Financial assets, electric output and refining capacity are used as size measures for a few specialized industries. In addition, SBA's Small Business Investment Company (SBIC), 7(a), and Certified Development Company (CDC or 504) Loan Programs determine small business eligibility using either the industry based size standards or alternative net worth and net income size based standards. At the start of the current comprehensive review of size standards, there were 41 different size standards levels, covering 1,141 NAICS industries and 18 sub-industry activities. Of these, 31 were based on average annual receipts, seven based on number of employees, and

three based on other measures. Presently, there are a total of 1,047 size standards, 533 of which are based on average annual receipts, 499 on number of employees, 10 on megawatt hours, and five on average assets.

Over the years, SBA has received comments that its size standards have not kept up with changes in the economy, and in particular, that they do not reflect changes in the Federal contracting marketplace and industry structure. The last comprehensive review of size standards was during the late 1970s and early 1980s. Since then, most reviews of size standards were limited to a few specific industries in response to requests from the public and Federal agencies. SBA also makes periodic inflation adjustments to its monetary based size standards. The latest inflation adjustment to size standards was published in the **Federal Register** on July 18, 2008 (73 FR 41237).

SBA recognizes that changes in industry structure and the Federal marketplace since the last overall review have rendered existing size standards for some industries no longer supportable by current data. Accordingly, in 2007, SBA began a comprehensive review of its size standards to determine whether existing size standards have supportable bases relative to the current data, and to revise them, where necessary.

In addition, on September 27, 2010, the President of the United States signed the Small Business Jobs Act of 2010 (Jobs Act). The Jobs Act directs SBA to conduct a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. Specifically, the Jobs Act requires SBA to conduct a detailed review of at least one-third of all size standards during every18-month period from the date of its enactment and review of all size standards not less frequently than once every 5 years thereafter. Reviewing existing small business size standards and making appropriate adjustments based on current data are also consistent with Executive Order 13563, "Improving Regulation and Regulatory Review."

SBA has chosen not to review all size standards at one time. Rather, it is reviewing groups of related industries on a Sector by Sector basis.

As part of SBA's comprehensive review of size standards, grouped by NAICS Sector, the Agency reviewed all size standards in NAICS Sector 23, Construction, to determine whether the existing size standards should be retained or revised. After its review, SBA published in the July 18, 2012 issue of the **Federal Register** (77 FR 42197) a proposed rule to increase two standards in NAICS Sector 23. SBA proposed to increase the size standards for Land Subdivision (NAICS 237210) from $7 million to $25.5 million and for Dredging and Surface Cleanup Activities, an "exception" under Other Heavy and Civil Engineering Construction (NAICS 238910) from $20 million to $30 million.

SBA recently developed a "Size Standards Methodology" for developing, reviewing, and modifying size standards, when necessary. SBA published the document on its Web site at *www.sba.gov/size* for public review and comments, and included it as a supporting document in the electronic docket of the proposed rule at *www.regulations.gov*.

In evaluating an industry's size standard, SBA examines its characteristics (such as average firm size, startup costs, industry competition and distribution of firms by size) and the small business level and share of Federal contract dollars in that industry. SBA also examines the potential impact a size standard revision might have on its financial assistance programs, and whether a business concern under a revised size standard would be dominant in its industry. SBA analyzed the characteristics of each industry in NAICS Sector 23, mostly using a special tabulation obtained from the U.S. Bureau of the Census from its 2007 Economic Census (the latest available). SBA also evaluated the small business level and share of Federal contracts in each of those industries using the data from the Federal Procurement Data System—Next Generation (FPDS–NG) for fiscal years 2008–2010. To evaluate the impact of changes to size standards on its loan programs, SBA analyzed internal data on its guaranteed loan programs for fiscal years 2008–2010.

SBA's "Size Standards Methodology" provides a detailed description of its analyses of various industry and program factors and data sources, and how the Agency uses the results to establish and revise size standards. In the proposed rule itself, SBA detailed how it applied its "Size Standards Methodology" to review and modify where necessary, the existing size standards for industries in NAICS Sector 23. SBA sought comments from the public on a number of issues about its "Size Standards Methodology," such as whether there are alternative methodologies that SBA should consider; whether there are alternative or additional factors or data sources that SBA should evaluate; whether SBA's approach to establishing small business size standards makes sense in the current economic environment; whether SBA's application of anchor size standards is appropriate in the current economy; whether there are gaps in SBA's methodology because of the lack of comprehensive data; and whether there are other facts or issues that SBA should consider.

SBA sought comments on its proposal to increase the two size standards in NAICS Sector 23: Land Subdivision (NAICS 237210), from $7 million to $25.5 million, and Dredging and Surface Cleanup Activities, an "exception" under Other Heavy and Civil Engineering Construction (NAICS 238910), from $20 million to $30 million. Specifically, SBA requested comments on whether the size standards should be increased as proposed and whether the proposed revisions are appropriate. SBA also invited comments on whether its proposed eight fixed size standard levels are appropriate and whether it should adopt common size standards for several Industry Groups in NAICS Sector 23. Although SBA proposed to increase only two size standards, the public was welcome to comment on any other size standards in NAICS Sector 23 that the Agency proposed to retain.

The SBA's analyses supported lowering existing size standards for a number of industries in NAICS Sector 23. However, as SBA pointed out in the proposed rule, lowering size standards would reduce the number of firms eligible to participate in Federal small business assistance programs and be counter to what the Federal government and SBA are doing to help small businesses. Therefore, SBA proposed to retain the current size standards for those industries and requested comments on whether the Agency should lower size standards for which its analyses might support lowering them.

Summary of Comments

There were 25 unique commenters to the proposed rule, including four construction companies, two construction industries associations, 16 dredging companies, one dredging consulting company, one academic, and one telecommunications company. The comments are available at *www.regulations.gov* (RIN 3245–AG28) and are summarized below.

Comments on Proposed Changes to Construction Size Standards

A construction company commented that increasing size standards helps 8(a) and Women Owned Small Businesses keep their contracts. However, at the same time, the commenter stated,

increasing size standards takes away the ability for new start-up firms to get any traction and reducing size standards across the board "is the key to success for small business." The commenter contended that SBA's proposal is "an attempt to limit the ability of the U.S. Department of Veteran Affairs' SDVOSB program which is competing for contracts against the 8(a) firms."

Another construction company similarly opposed any increase in size standards, stating that there are too many types of small businesses competing for government construction dollars.

SBA proposed to increase only two of the 32 size standards in NAICS Sector 23, namely Land Subdivision (NAICS 237210), and Dredging and Surface Cleanup Activities, an exception under Other Heavy and Civil Engineering Construction (NAICS 238910) and retain the current size standards for the 30 remaining industries in that Sector. Furthermore, SBA's size standards apply equally to all programs for which a business must qualify as a small business concern. The Federal government has a number of business development programs, and qualifying as small for one is the same as qualifying for the others, because SBA has established only set of size standards for all Federal procurement programs. SBA's proposed increases to size standards, as stated above, would not have affected the two commenters above, as they did not refer to size standards for a specific industries and therefore, SBA acknowledges their comments as supportive of retaining the current size standards for most industries that the Agency proposed.

Another commenter expressed concern about the size of construction contracts set aside for small businesses under the current $33.5 million size standard. According to the commenter, many companies that are over the current size standards cannot qualify to bid on larger contracts. The commenter further stated that contracts over $10 million should not be set aside for small businesses. There would remain, it seems, contracts for which businesses over the $33.5 million size standard could bid without competition from larger businesses.

SBA establishes small business size standards to determine eligibility for small business set aside contracts, but it does not determine the size of contracts that Federal agencies set aside for small businesses. SBA takes into consideration the size of contracts in establishing small business size standards by analyzing the data from FPDS–NG.

Another commenter that supported SBA's proposed increases suggested that SBA establish a $30 million size standard for government projects involving three or more specialty trade services.

SBA has a common $14 million size standard for contracts involving three or more specialty trades industries. Specifically, Footnote 13 to SBA's table of size standards states the following: "NAICS code 238990—Building and Property Specialty Trade Services: If a procurement requires the use of multiple specialty trade contractors (*i.e.*, plumbing, painting, plastering, carpentry, *etc.*), and no specialty trade accounts for 50% or more of the value of the procurement, all such specialty trade contractors activities are considered a single activity and classified as Building and Property Specialty Trade Services." However, as stated in Footnote 12(b), if the contracts involve three or more activities in the areas of services or specialty trades trade industries, with no single industry accounting for more than 50 percent of the total values of procurement, firms may qualify under the $35.5 million size standard NAICS 561210, Facilities Support Services. SBA is concerned that establishing a higher size standard for a group of industries than for each industry in the group, as the commenter suggested, may encourage agencies to bundle contracts to include services from multiple industries and use the higher size standard. This may adversely affect the ability of small businesses that specialize on a specific specialty trade service to compete for Federal opportunities.

A national association expressed its concern for a lack of construction contracts awarded to women owned small businesses. The association argued that small business size standards for construction industries should be based on number of full time equivalent (FTE) employees, rather than on average annual receipts. The association claimed that because size standards are based on receipts rather than number of employees, businesses in the construction industries are being held back. The association contended that a construction company's receipts are a "misleading indicator" for its size from one year to the next due to "doubling and tripling in recent years" of material costs. In addition, the association stated that a company's gross receipts are inflated relative to the size standard because of subcontracting and material costs that could account for as much as 85 percent of work being performed.

A local chapter of the same association supported and expanded on the above view. It stated that costs vary across the country, being higher in urban areas than in rural areas, resulting in considerably larger construction companies in urban areas than in rural areas. The association added that it is more difficult for small urban contractors to compete with larger ones and cited certain trades that have considerably higher start-up capital and labor costs as well. The commenter recommended 75 FTE employees for Specialty Trades Industries and 150 FTE employees for General Construction. The association went on to state that "if SBA opts to continue with the receipts based size standard for the construction industry, [commenter] would recommend that these specialty trades be grouped and placed in the higher $25 million size standard level."

SBA disagrees that receipts based standards do not properly reflect the size of companies in the construction industry. Receipts, representative of the value of a company's entire portfolio of completed work in a given period of time, is a better measure of the size of a construction company to determine its eligibility for Federal contracts set aside for small businesses than the number of employees. Annual receipts measure the total work that a company has completed for which it was responsible. Under SBA's prime contractor performance requirements (see 13 CFR 125.6, limitations on subcontracting), a general construction company need to perform as little as 15 percent of value of work with its own resources, and a specialty trade contractor can perform as little as 25 percent of work with its own resources. SBA is concerned that employee based size standards for construction industries could encourage a construction company near the size standard to subcontract more work to others to bypass the limitations on subcontracting and remain technically a small business. Regardless of the amount a company subcontracts, it is part of its annual revenue, because the company is responsible for the entire project. In other words, under a receipts based size standard, the company is not allowed to deduct subcontracting costs from the average annual receipts calculation. Under the employee based size standard, companies would not count their subcontractors' employees to calculate their total number of employees. A company that subcontracts a great deal can have a considerably fewer employees than one that performs more of its work in-house.

Furthermore, in 2004, SBA proposed to replace annual receipts with number

of employees as the basis for size standards for most industries, including construction (see 69 FR 11129, dated March 19, 2004). Commenters in the construction industry generally opposed SBA's proposal for a number of reasons, such as those SBA provides above. In addition, because employee based size standards represent the average number of employees per pay period for the firm's immediately preceding 12 calendar months, businesses would have to recalculate their size on a monthly basis. Receipts, on the other hand, are calculated over last three fiscal years. This allows for changes in the construction industry as well as fluctuations in sales due to economic conditions.

Employment data by industry from Economic Census and County Business Patterns and Federal statistical agencies (such Bureaus of Economic Analysis and Labor Statistics) that SBA uses in its size standards analysis are based on total head counts of part-time, temporary and full-time employees, not based on FTEs. In other words, part-time employees are counted the same as full-time employees. In addition, using FTEs as a basis of size measure may increase reporting and record keeping requirements for small businesses to qualify for Federal programs.

Thus, SBA is, for all these reasons above, retaining annual receipts as the measure of small business size standards for all industries in NAICS Sector 23, Construction.

Comments on Proposed Change to Size Standard for Dredging

SBA received a total of 17 comments on its proposal to increase the size standard for Dredging and Surface Cleanup Activities from $20 million in average annual receipts to $30 million. Commenters included 16 dredging companies (10 small and 6 large businesses under the current size standard) and one small dredging consulting company. Ten commenters (53 percent) either supported the proposed increase to $30 million or suggested smaller increases than the one proposed by SBA. Seven commenters (47 percent) either opposed the proposed increase, or suggested lowering it.

Of the ten companies that supported an increase in size standard for dredging, six were small businesses under the current size standard, and four were large businesses. Four of these ten commenters fully supported the proposed increase to $30 million, five suggested smaller increases, and one suggested a larger increase but did not provide a specific value. Of the five commenters suggesting smaller increases, one suggested increasing it to $25.5 million, another, a large dredger, suggested increasing it by 10 percent, and three, one small and two large dredging companies, suggested that the increase should be in line with the rate of inflation. Most of these commenters cited increased cost of doing business, contract bundling, high capital and resource requirements, and ability to maintain small business status as the reasons for supporting the increase.

Of the seven commenters who opposed the SBA's proposal, five were small businesses under the current size standard and two were large businesses. Four of these commenters, one large and three small, opposed the proposed $30 million in support of the current $20 million, two commenters, one large and one small, proposed reducing it to $10 million, and one commenter, small, also proposed lowering it but did not provide a specific value. Commenters opposing the SBA's proposal raised a number of issues as follows: current economic conditions do not justify a 50 percent increase; it would be inconsistent with the interests of small dredging companies; the dredging market contracted because of a lack of funding, with small dredging companies struggling to find work; larger small companies would dominate the small business market, making an already very competitive industry even more so and thus more difficult for small dredging contractors to survive; it would foster predatory pricing, and the data SBA used to develop its proposal do not reflect the current state of the dredging market. Most of these commenters felt that the proposed size standard under the current environment would only benefit larger small businesses in the $20 million to $30 million revenue range by reducing opportunities for small businesses below $20 million.

Larger dredging contractors, generally opposed to the proposed increase, stated that this is the largest increase in the size standard for dredging contractors since 1984, when SBA first established it. They argued that the proposed $30 million is not supported by marketplace or other available data. They reasoned that the higher standard would induce the U.S. Army Corps of Engineers (the Corps) to set aside a larger share of contracts for the newly eligible companies. This would reduce the unrestricted contracts available to large businesses that have invested heavily in equipment and resources to meet the Corps' program requirements. This in turn could result in higher costs to the government, lead to underuse of dredging equipment, and cause companies to contain their costs by laying off their employees.

Several commenters, especially those in favor of raising the dredging size standard, expressed concerns about the impact of increasing costs of fuel, labor and other costs in the dredging market and argued that an increase in the size standard is warranted. One commenter, a small dredging company, stated that costs of diesel fuel increased more than 30 percent over the last five years; labor costs increased by over 25 percent, and costs of insurance, health benefits and supplies increased by over 50 percent.

SBA's current review of the dredging size standard focuses on the analysis of industry structure and Federal market. Although this analysis may capture some of the inflationary factors the commenters identified above, inflation is not considered as a factor in this review. SBA will look at the impact of inflation on all monetary-based size standards, including that for dredging, and adjust them as necessary, in a separate rule in the near future.

Three commenters expressed concerns about the data SBA used to review the dredging industry size standard. One commenter argued that the data from the Central Contractor Registration (CCR) (now System for Award Management (SAM)) that SBA used in conjunction with dredging contracting data from the U.S. Army Corps of Engineers' Navigation Data Center (NDC) are incomplete and inaccurate. The commenter recommended using the data from the Dredging Contractors of America (DCA) annual contract summary reports prepared using the NDC data. The second commenter, contrary to the first one, strongly recommended using the NDC data to analyze the dredging industry. Finally, the third commenter expressed concerns that the NDC data do not include enough information about small businesses' contracts for dredging, but did not suggest any alternative data sources to look at. None of these commenters expressed concerns about the Federal contracts data on dredging from the FPDS–NG that SBA used to calculate industry and Federal contracting factors (see 77 FR 42197). Similarly, although both NDC data and DCA reports only contain information on revenues received from Federal contracts and no information on firms' total revenues, commenters suggested no alternative sources providing total revenues that SBA evaluates when reviewing a receipts based size standard.

In response to these comments, SBA evaluated the impact of data sources on industry and Federal contracting factors

and the calculated size standard for dredging using the data from NDC for fiscal years 2011–2012, DCA's annual report for fiscal years 2010–2011, and FPDS–NG for fiscal years 2011–2012. SBA combined each of these data with the data from CCR/SAM to obtain total revenues of dredging firms participating in the Federal market, as described in the proposed rule. The results based on each of these data sources were very similar, as expected, because the Federal Acquisition Regulation (FAR subpart 4.6) requires all Federal agencies, including U.S. Army Corps of Engineers, to enter information on all contract actions exceeding the micro-purchase threshold in FPDS–NG. Accordingly, information in the NDC database and hence in DCA's reports has to be fundamentally the same as that in FPDS–NG. Given the lack of a better source for total revenue data on dredging firms, SBA believes that information in CCR/SAM is accurate enough for evaluating the dredging size standard, because, to bid on Federal contracts, all businesses, including dredging firms, are required to provide accurate information on their business size when they register in CCR/SAM (FAR subpart 4.11).

Several commenters, mostly those opposing the SBA's proposal, expressed concerns about raising the size standard in view of the current state of the dredging industry and the impact the American Recovery and Reinvestment Act (ARRA) had on the Federal market for dredging. These commenters characterized dredging as a reduced market, principally because of a lack of funding, with ARRA phasing-out. They argued that, because ARRA caused a temporary surge in government spending during fiscal years 2009–2011 and now the ARRA funds are phasing-out, any analysis of the Federal market using the data for those years could be distorted. The commenters argued that increasing the size standards under the current conditions would have an adverse impact on the pool of funds available for both small and large dredging companies. They added that, with a higher size standard, small businesses, especially the truly small businesses, would face increased competition for set-aside contracts, and large businesses would face a reduction of funds available for the unrestricted market were they compete. Some commenters added that increasing the size standard in this environment will benefit only larger small businesses.

In response to the above comments, SBA re-evaluated the dredging industry using the data on Federal contracts awarded to dredging companies from FPDS–NG for fiscal years 2005 to 2012 and total revenue information from CCR/SAM for fiscal year 2012. The analysis of FPDS–NG data showed that the ARRA resulted in a surge in Federal contract dollars awarded to dredging companies during fiscal years 2009–2011. The average annual dollars obligated for dredging was about $775 million for fiscal years 2005–2008 and 2012, as compared to $1.1 billion per year during fiscal years 2009–2011. In addition, the data showed that the average share of dollars awarded to small businesses decreased from 23.3 percent during 2007–2008 to 15 percent during 2009–2011. Data for fiscal year 2012 showed that the small businesses' share was recovering but was still below the level seen during 2007–2008. Based on these results, SBA agrees with the commenters that the ARRA impacted the dredging market during fiscal years 2009–2011. SBA also agrees that availability of funds is important to the dredging market, but it does not agree that the increased availability of funds alone would provide more opportunities to small businesses. As shown by the data above, although total dollars obligated to the dredging market substantially increased during fiscal years 2009–2011 following the ARRA, the average share of dollars awarded to small businesses actually decreased in that period.

In response to a claim from some commenters that an increase in size standard would only benefit currently large businesses that will become small under the proposed $30 million size standard, SBA evaluated a distribution of dollars obligated by the receipts size of the dredging companies receiving the Federal contracts using the data from FPDS–NG and CCR/SAM for fiscal year 2012. The results showed that more than 85 percent of the dredging companies that received the contracts were below the current $20 million size standard, and they received about 22 percent of the total dollars awarded on new or modified dredging contracts. About 32 percent of the firms below the current size standard had average annual receipts between $10 million and $20 million, and they received 11.2 percent of dollars obligated for dredging projects. Moreover, the data showed that only 2 to 4 firms that are large under the current size standard would become small under the proposed $30 million size standard, if adopted, and those firms accounted for only 2.4 percent of total dollars awarded to dredging projects in 2012. The data also showed that 21 small dredging companies received contracts under full and open competition in fiscal year 2012, suggesting that set-aside contracts are not the only opportunities for small businesses in the Federal dredging market. All these results suggest that an increase in size standard will not cause a significant adverse impact on small businesses below the current size standard. Rather a higher size standard will benefit a large number of businesses below the current size standard by providing them with more opportunity for growth while maintaining their small business status for a longer period.

In response to the comments on its proposal to increase the size standard for dredging from $20 million to $30 million, especially the comment that the data for fiscal years 2008–2010 used in developing the proposed size standard do not represent the current state of the Federal dredging market, SBA re-evaluated industry and federal contracting factors of the dredging industry using the data from FPDS–NG and CCR/SAM in conjunction with the data from NDC for fiscal year 2012. The results of this analysis supported a lower increase of the dredging size standard to $25.5 million, instead of $30 million that SBA originally proposed based on the 2008–2010 data.

With only two firms above the current $20 million size standard qualifying as small under $25.5 million, SBA believes that this increase will not have an adverse impact on both small businesses below the current $20 million size standard and large businesses above $25.5 million. Instead, as pointed out above, a higher size standard will benefit a larger number of small businesses below the current size standard by providing them with more opportunity to grow while maintaining their small business status.

Thus, after the careful evaluation of all comments SBA received, re-evaluation of industry and Federal contracting factors for the dredging industry using the more recent data from various sources (such as NDC, DCA's annual reports, FPDS–NG, and CCR/SAM), SBA has decided to increase the size standard for the Dredging and Surface Cleanup Sub-Industry within NAICS Industry 237990 from the current $20 million to $25.5 million in average annual receipts. With this increase, only two firms that are large under the current $20 million size standard will gain small business status and SBA believes that this will not have an adverse impact on small businesses below the current size standard.

Comments on Footnote 2

In the July 18, 2012 proposed rule, SBA also sought comments on footnote 2 to SBA's table of size standards. Footnote 2 states that "[t]o be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern." SBA received 16 comments on this issue, all of which supported retaining the footnote. Two commenters recommended raising the 40 percent requirement, one of which recommended increasing it to 50 percent and the other to 80 percent. Generally, commenters were concerned that the elimination of the 40 percent requirement could defeat the purpose of set-asides, by permitting small businesses to "front" for larger businesses by brokering set-aside contracts to them. Commenters saw no practical reasons to remove the requirement, and a number of commenters stated clearly that it has worked well for this industry in assuring that only small businesses benefit from set-aside projects. Therefore, SBA is retaining footnote 2 in its present form.

Conclusion

Based on the evaluation of public comments it received on the proposed rule and reevaluation of, industry and Federal contracting factors using the more recent data, SBA is increasing the size standards for NAICS 237210, Land Subdivision, from $7 million in average annual receipts to $25.5 million, as proposed, and for Dredging and Surface Cleanup Activities, a sub-industry category (or an "exception") under NAICS 237990, Other Heavy and Civil Engineering Construction, from $20 million to $25.5 million. In the proposed rule, SBA had proposed to increase the dredging size standard to $30 million. Those industries and their revised size standards are shown in Table 1, Summary of Size Standards Revisions, below.

TABLE 1—SUMMARY OF SIZE STANDARDS REVISIONS

NAICS codes	NAICS industry title	Current size standard ($ million)	Proposed size standard ($ million)	Adopted size standard ($ million)
237210	Land Subdivision	7.0	25.5	25.5
237990, Except	Dredging and Surface Cleanup Activities[2]	20.0	30.0	25.5

For the reasons as stated above in this rule and in the proposed rule, SBA has decided to retain the current receipts based size standards for a number of industries in NAICS Sector 23 for which analytical results suggested lower size standards. Not lowering size standards in NAICS Sector 23 is consistent with SBA's recent final rules on NAICS Sector 44–45, Retail Trade (75 FR 61597 (October 6, 2010)), NAICS Sector 72, Accommodation and Food Services (75 FR 61604 (October 6, 2010)), NAICS Sector 81, Other Services (75 FR 61591 (October 6, 2010)), NAICS Sector 54, Professional, Scientific and Technical Services (77 FR 7490 (February 10, 2012)), NAICS Sector 48–49, Transportation and Warehousing (77 FR 10943 (February 24, 2012)), NAICS Sector 53, Real Estate and Rental and Leasing (77 FR 58747 (September 24, 2012)), NAICS Sector 61, Educational Services (77 FR 58739 (September 24, 2012)), NAICS Sector 62, Health Care and Social Assistance (77 FR 58755 (September 24, 2012)), NAICS Sector 51, Information (77 FR 72702 (December 6, 2012)), and NAICS Sector 56, Administrative and Support, Waste Management and Remediation Services (77 FR 72691 (December 6, 2012)); NAICS Sector 11, Agriculture, Forestry, Fishing and Hunting (78 FR 37398 (June 20, 2013)); NAICS Subsector 213, Support Activities for Mining (78 FR 37404 (June 20, 2013)); NAICS Sector 52, Finance and Insurance and Sector 55, Management of Companies and Enterprises (78 FR 37409 (June 20, 2013)); and NAICS Sector 71, Arts, Entertainment and Recreation (78 FR 37417 (June 20, 2013)). In each of those final rules SBA adopted its proposal not to reduce small business size standards for the same reasons. SBA is also retaining the existing receipts based size standards for the industries for which the results supported them at their current levels.

Compliance With Executive Orders 12866, 13563, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C., Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this final rule is not a "significant regulatory action" for purposes of Executive Order 12866. To help explain the need of this rule and the rule's potential benefits and costs, SBA is providing below a Cost Benefit Analysis. This is also not a "major" rule, under the Congressional Review Act, 5 U.S.C. 801, *et. seq.*

Cost Benefit Analysis

1. Is there a need for the regulatory action?

SBA believes that the revised changes to small business size standards for one industry and one sub-industry in NAICS Sector 23, Construction, reflect changes in economic characteristics of small businesses in those industries and the Federal procurement market since the last size standards review. SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development, and advocacy programs. To assist the intended beneficiaries of these programs effectively, SBA establishes distinct definitions to determine which businesses are deemed small businesses. The Small Business Act (15 U.S.C. 632(a)) delegated to the SBA's Administrator the responsibility for establishing definitions for small business. The Act also requires that small business size definitions vary to reflect industry differences. The Jobs Act requires the Administrator to review at least one-third of all size standards within each 18-month period from the date of its enactment, and review all size standards at least every five years thereafter. The supplementary information section of the July 18, 2012 proposed rule and this rule explained the SBA's methodology for analyzing a size standard for a particular industry.

2. What are the potential benefits and costs of this regulatory action?

The most significant benefit to businesses obtaining small business status as a result of this rule is gaining eligibility for Federal small business assistance programs, including SBA's financial assistance programs, economic injury disaster loans, and Federal procurement opportunities intended for small businesses. Federal small business programs provide targeted opportunities

for small businesses under SBA's various business development and contracting programs. These include the 8(a), small disadvantaged businesses (SDB), small businesses located in Historically Underutilized Business Zones (HUBZone), women owned small businesses (WOSB), and the service disabled veteran owned small business (SDVOSB) Programs. These programs help small businesses become more knowledgeable, stable, and competitive. Other Federal agencies also may use SBA's size standards for a variety of regulatory and program purposes. In the one industry and one sub-industry in NAICS Sector 23 for which SBA has decided to increase size standards, SBA estimates that about 480 additional firms (including two dredging companies), not small under the current size standards, will gain small business status and become eligible for these programs. That number is 0.1 percent of the total number of total firms classified as small under the current size standards in all industries in NAICS Sector 23. SBA estimates that this will increase the small business share of total industry receipts in that Sector from 49.7 percent under the current size standards to 50 percent under the revised size standards.

The benefits of increasing size standards to a more appropriate level will accrue to three groups: (1) Some businesses that are above the current size standards will gain small business status under the higher size standards, thereby enabling them to participate in Federal small business assistance programs; (2) growing small businesses that are close to exceeding the current size standards will be able to retain their small business status under the higher size standards, thereby enabling them to continue their participation in the programs; and (3) Federal agencies will have a larger pool of small businesses from which to draw for their small business procurement programs.

Based on the data for fiscal years 2008–2010, SBA estimates that additional firms gaining small business status in those industries under the revised size standards could potentially obtain Federal contracts totaling between $5 million to $10 million per year under the small business, 8(a), SDB, HUBZone, WOSB, and SDVOSB Programs and other unrestricted procurements. The added competition for many of these procurements may also result in lower prices to the Government for procurements reserved for small businesses, although SBA cannot quantify this benefit.

Under SBA's 7(a) and 504 Loan Programs, based on the 2008–2010 data, SBA estimates that approximately up to five additional loans totaling about $0.5 million to $1.0 million in new Federal loan guarantees could be made to the newly defined small businesses under the revised size standards. Under the Jobs Act, SBA can now guarantee substantially larger loans than in the past. In addition, the Jobs Act established an alternative size standard for SBA's 7(a) and 504 Loan Programs for those applicants that do not meet the size standards for their industries. That is, under the Jobs Act, if a firm applies for a 7(a) or 504 loan but does not meet the size standard for its industry, it might still qualify if, including its affiliates, it has a tangible net worth that does not exceed $15 million and also has average net income after Federal income taxes (excluding any carry-over losses) for its preceding two completed fiscal years that do not exceed $5 million. Thus, SBA finds it difficult to quantify the actual impact of the revised size standards on its 7(a) and 504 Loan Programs.

Newly defined small businesses will also benefit from SBA's Economic Injury Disaster Loan Program. Since this program is contingent on the occurrence and severity of a disaster, SBA cannot make a meaningful estimate of this impact.

To the extent that all 480 newly defined additional small firms under the revised size standards could become active in Federal procurement programs, this may entail some additional administrative costs to the Federal Government associated with there being more bidders for Federal small business procurement opportunities. In addition, there will be more firms seeking SBA's financial assistance, more firms eligible for enrollment in the System of Award Management's (SAM) Dynamic Small Business Search database, and more firms seeking certification as 8(a) or HUBZone firms or those qualifying for small business, WOSB, SDVOSB, and SDB status. Among those newly defined small businesses in this group seeking SBA's assistance, there could be some additional costs associated with compliance and verification of small business status and protests of small business status. SBA believes that these added administrative costs will be minimal because mechanisms are already in place to handle these requirements.

Additionally, the costs to the Federal Government may be higher on some Federal contracts under the higher revised size standards. With a greater number of businesses defined as small, Federal agencies may choose to set aside more contracts for competition among small businesses rather than using full and open competition. The movement from unrestricted to set-aside contracting might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers. In addition, higher costs may result when additional full and open contracts are awarded to HUBZone businesses because of a price evaluation preference. However, these additional costs associated with fewer bidders are expected be minor since, by law, procurements may be set aside for small businesses or reserved for the small business, 8(a), HUBZone, WOSB, or SDVOSB Programs only if awards are expected to be made at fair and reasonable prices.

The revised size standards may have some distributional effects among large and small businesses. Although SBA cannot estimate with certainty the actual outcome of gains and losses among small and large businesses, it can identify several probable impacts. There may be a transfer of some Federal contracts from large businesses to small businesses. Large businesses may have fewer Federal contract opportunities as Federal agencies decide to set aside more Federal contracts for small businesses. In addition, some agencies may award more Federal contracts to HUBZone concerns instead of large businesses since HUBZone concerns may be eligible for price evaluation adjustments when they compete on full and open bidding opportunities. Similarly, currently defined small businesses may obtain fewer Federal contracts due to the increased competition from more businesses defined as small under the revised size standards. This transfer may be offset by more Federal procurements set aside for all small businesses. The number of newly defined and expanding small businesses that are willing and able to sell to the Federal Government will limit the potential transfer of contracts away from large and small businesses under the existing size standards. The SBA cannot estimate with precision the potential distributional impacts of these transfers.

The revisions to the existing size standards for one industry and one sub-industry in NAICS Sector 23, Construction, are consistent with SBA's statutory mandate to assist small business. This regulatory action promotes the Administration's objectives. One of SBA's goals in support of the Administration's objectives is to help individual small businesses succeed through fair and equitable access to capital and credit, Government contracts, and management

and technical assistance. Reviewing and modifying size standards, when appropriate, ensures that intended beneficiaries have access to small business programs designed to assist them.

Executive Order 13563

A description of the need for this regulatory action and benefits and costs associated with this action including possible distributional impacts that relate to Executive Order 13563 are included above in the Cost Benefit Analysis.

In an effort to engage interested parties in this regulatory action, SBA presented its methodology (discussed under **SUPPLEMENTARY INFORMATION** in the proposed rule and this final rule) to various industry associations and trade groups. SBA also met with various industry groups to obtain their feedback on its methodology and other size standards issues. In addition, SBA also presented its size standards methodology to businesses in 13 cities in the U.S. and sought their input as part of the Jobs Act tours. The presentations also included information on the latest status of the comprehensive size standards review and how interested parties can provide SBA with input and feedback on the size standards review. Moreover, SBA presented the same information to Department of Defense (DoD) contracting personnel at their annual training session. It included updates on what size standards rules SBA was currently reviewing and plans to review in the future. This is important because DoD contracting provides the greatest opportunities for and awards to small businesses.

Additionally, SBA sent letters to the Directors of the Offices of Small and Disadvantaged Business Utilization (OSDBU) at several Federal agencies with considerable procurement responsibilities requesting their feedback on how the agencies use SBA's size standards and whether current standards meet their programmatic needs (both procurement and non-procurement). SBA gave appropriate consideration to all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and Federal agencies in preparing the proposed rule for Sector 23.

Furthermore, when SBA issued the proposed rule, it provided notice of its publication directly to individuals and companies that had in recent years exhibited an interest by letter, email, or phone, in size standards for NAICS Sector 23 so they could comment.

The review of size standards in NAICS Sector 23, Construction, is consistent with Section 6 of Executive Order 13563, calling for retrospective analyses of existing rules. The last overall review of size standards occurred during the late 1970s and early 1980s. Since then, except for periodic adjustments for monetary based size standards, most reviews of size standards were limited to a few specific industries in response to requests from the public and Federal agencies. SBA recognizes that changes in industry structure and the Federal marketplace over time have rendered existing size standards for some industries no longer supportable by current data. Accordingly, in 2007, SBA began a comprehensive review of all size standards to ensure that existing size standards have supportable bases and to revise them, when necessary. In addition, the Jobs Act directs SBA to conduct a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. Specifically, the Jobs Act requires SBA to conduct a detailed review of at least one-third of all size standards during every 18 month period from the date of its enactment and do a complete review of all size standards not less frequently than once every 5 years thereafter.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this final rule will not have substantial, direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, SBA has determined that this final rule has no Federalism implications warranting preparation of a Federalism assessment.

Paperwork Reduction Act

For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this final rule would not impose any new reporting or record keeping requirements.

Final Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act (RFA), this rule may have a significant impact on a substantial number of small entities in NAICS Sector 23, Construction. As described above, this rule may affect small entities seeking Federal contracts, SBA's 7(a) and 504 Guaranteed Loans, SBA's Economic Injury Disaster Loans, and various small business benefits under other Federal programs.

Immediately below, SBA sets forth a final regulatory flexibility analysis of this final rule addressing the following questions: (1) What are the need for and objective of the rule? (2) What are SBA's description and estimate of the number of small entities to which the rule will apply? (3) What are the projected reporting, record keeping, and other compliance requirements of the rule? (4) What are the relevant Federal rules which may duplicate, overlap or conflict with the rule? and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

(1) What are the need for and objective of the rule?

Most of SBA's size standards for the Construction industries had not been reviewed since the 1980s. Technological changes, productivity growth, international competition, mergers and acquisitions and updated industry definitions may have changed the structure of many industries in that Sector. Such changes can be sufficient to support revisions to size standards for some industries. Based on the analysis of the latest industry and program data available, SBA believes that the revised standards in this rule more appropriately reflect the size of businesses in those industries that need Federal assistance. Additionally, the Jobs Act requires SBA to review all size standards and make appropriate adjustments to reflect current data and market conditions.

(2) What are SBA's description and estimate of the number of small entities to which the rule will apply?

SBA estimates that approximately 480 additional firms will become small because of increases in size standards in one industry and one sub-industry in NAICS Sector 23. That represents 0.1 percent of total firms that are small under the current size standards in all industries in NAICS Sector 23. This will result in an increase in the small business share of total industry receipts in that Sector from about 49.7 percent under the current size standards to nearly 50 percent under the revised size standards. SBA does not anticipate a significant competitive impact on

smaller businesses under the revised size standards. The revised size standards will enable more small businesses to retain their small business status for a longer period. Under current size standards, many small businesses may have lost their eligibility or found it difficult to compete with companies that are significantly larger than they are and this final rule attempts to correct that impact. SBA believes these changes will have a positive impact for existing small businesses and for those that have either exceeded or are about to exceed current size standards.

(3) What are the projected reporting, record keeping, and other compliance requirements of the rule?

Revising size standards does not impose any additional reporting or record keeping requirements on small entities. However, qualifying for Federal procurement and a number of other Federal programs requires that entities register in the System of Award Management (SAM) (formerly, the Central Contractor Registration) database and certify at least annually that they are small in the Representations and Certifications section of SAM. Therefore, businesses opting to participate in those programs must comply with the SAM requirements. There are no costs associated with SAM registration and certification. Revising size standards alters the access to SBA's and other Federal programs that are designed to assist small businesses, but does not impose a regulatory burden as they neither regulate nor control business behavior.

(4) What are the relevant Federal rules which may duplicate, overlap, or conflict with the rule?

Under § 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rule that would duplicate or conflict with establishing or revising size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to establish different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (*see* 13 CFR 121.903). The Regulatory Flexibility Act authorizes an agency to establish an alternative small business definition after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

(5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the existing system of numerical size standards.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For reasons set forth in the preamble, SBA amends 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 662, and 694a(9).

■ 2. In § 121.201, in the table, "Small Business Size Standards by NAICS Industry," revise the entry for "237210" and subentry "Except" under entry "237990" to read as follows:

§ 121.201. What size standards has SBA identified by North American Industry Classification System codes?

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
237210	Land Subdivision	$25.5	
*	* * * * *	*	*
237990	* * *		
Except	Dredging and Surface Cleanup Activities[2]	25.5	
*	* * * * *	*	*

Footnotes

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[2] NAICS code 237990—Dredging: To be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern.

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Dated: August 12, 2013.

Karen G. Mills,

Administrator.

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG25

Small Business Size Standards: Utilities

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The United States Small Business Administration (SBA) is revising the size standards for 13 industries in North American Industry Classification System (NAICS) Sector 22, Utilities. Specifically, SBA has increased receipts based size standards for three industries and changed the basis for measuring business size from megawatt hours to number of employees for the 10 electric power generation, transmission, and distribution industries. In addition, SBA is removing Footnote 1 from SBA's Table of Size Standards that applies to all of the NAICS codes in electric power generation, transmission, and distribution. As part of its ongoing comprehensive size standards review, SBA evaluated all megawatt hour and receipts based size standards for industries in NAICS Sector 22 to determine whether they should be retained or revised. SBA did not review the employee based size standard for Natural Gas Distribution, NAICS 221210, in this rule, but will review it in the near future with other employee based size standards.

DATES: This rule is effective January 22, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Jorge Laboy-Bruno, Economist, Office of Standards, by phone at (202) 205–6618 or email at *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION: To determine eligibility for Federal small business assistance programs, SBA establishes small business size definitions (referred to as size standards) for private sector industries in the United States. SBA's existing size standards use two primary measures of business size—average annual receipts and number of employees. Financial assets, electric output and refining capacity are used as size measures for a few specialized industries. In addition, SBA's Small Business Investment Company (SBIC), 7(a), and Certified Development Company (CDC or 504) Loan Programs determine small business eligibility using either the industry based size standards or alternative tangible net worth and net income based size standards. At the start of the current comprehensive review of SBA's small business size standards, there were 41 different size standards levels, covering 1,141 NAICS industries and 18 sub-industry activities (*i.e.*, "exceptions" in SBA's Table of Size Standards). Of these, 31 were based on average annual receipts, seven based on number of employees, and three based on other measures. Presently, there are a total of 1,047 size standards, 533 of which are based on average annual receipts, 499 on number of employees, 10 on megawatt hours, and five on average assets.

Over the years, SBA has received comments that its size standards have not kept up with changes in the economy, in particular the changes in the Federal contracting marketplace and industry structure. SBA last conducted a comprehensive review of size standards during the late 1970s and early 1980s. Since then, most reviews of size standards have been limited to a few specific industries in response to requests from the public and Federal agencies. SBA also makes periodic inflation adjustments to its monetary based size standards. The latest inflation adjustment to size standards was published in the **Federal Register** on July 18, 2008 (73 FR 41237).

SBA recognizes that changes in industry structure and Federal marketplace since the last overall review have rendered existing size standards for some industries no longer supported by current data. Accordingly, in 2007, SBA began a comprehensive review of its size standards to determine whether existing size standards have supportable bases relative to the current data, and to revise them, where necessary.

In addition, on September 27, 2010, the President of the United States signed the Small Business Jobs Act of 2010 (Jobs Act). The Jobs Act directs SBA to conduct a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. Specifically, the Jobs Act requires SBA to review at least one-third of all size standards during every 18-month period from the date of its enactment and review all size standards not less frequently than once every 5 years thereafter. Reviewing existing small business size standards and making appropriate adjustments based on current data is also consistent with Executive Order 13563 on improving regulation and regulatory review.

SBA has chosen not to review all size standards at one time. Rather, it is reviewing the size standards for groups of related industries on a Sector by Sector basis.

As part of SBA's comprehensive review of size standards, the Agency reviewed all electric power generation, transmission and distribution industries with electric output (megawatt hours) based size standards and three industries with receipts based size standards in NAICS Sector 22, Utilities, to determine whether the existing size standards should be retained or revised. On July 19, 2012, SBA published a proposed rule in the **Federal Register** (77 FR 42441) seeking public comments on its proposal to revise the size standards for nine industries. In that rule, SBA did not review one industry, namely NAICS 221210, Natural Gas Distribution, with an employee based size standard which SBA will review at a later date together with other employee based size standards. The proposed rule was one of a series of rules that examines industries grouped by NAICS Sector.

In conjunction with the comprehensive size standards review, SBA developed a "Size Standards Methodology" for developing, reviewing, and modifying size standards, when necessary. SBA has published the document on its Web site at *www.sba.gov/size* for public review and comment and also included it as a supporting document in the electronic docket of the July 19, 2012 proposed rule at *www.regulations.gov.*

In evaluating an industry's size standard, SBA examines its characteristics (such as average firm size, startup costs and entry barriers, industry competition and distribution of firms by size), and the level and small business share of Federal contract dollars in that industry. SBA also examines the potential impact a size standard revision might have on its financial assistance programs and whether a business concern under a revised size standard would be dominant in its industry.

To develop the proposed rule, SBA analyzed the characteristics of each industry in NAICS Sector 22 that has either a megawatt hour or a receipts based size standard, mostly using a special tabulation obtained from the U.S. Bureau of the Census based on its 2007 Economic Census (the latest available) (*www.census.gov/econ/census07/*). To evaluate the structure of the electric power generation, transmission, and distribution

industries, SBA also analyzed electric output data for investor-owned utilities and power marketers for 1974–2009, which it obtained from the U.S. Energy Information Agency (*http://www.eia.gov/electricity/data/detail-data.html*).

To evaluate Federal market conditions, SBA used Federal Procurement Data System—Next Generation (FPDS–NG) data for fiscal years 2008 to 2010 (*https://www.fpds.gov/fpdsng_cms/*) to evaluate the small business share of Federal contracts in each industry.

To evaluate the impact of changes to size standards on its loan programs, SBA analyzed internal data on its 7(a) and 504 Loan Programs for fiscal years 2008 to 2010.

SBA's "Size Standards Methodology" provides a detailed description of its analyses of various industry and program factors and data sources, and how the Agency uses the results to derive size standards. In the proposed rule, SBA detailed how it applied its "Size Standards Methodology" to review and modify, where necessary, the existing electric output based size standards for electric power generation, transmission and distribution industries and receipts based size standards for three industries in NAICS Sector 22. SBA sought comments from the public on a number of issues concerning its "Size Standards Methodology," such as whether there are alternative methodologies that SBA should consider; whether there are alternative or additional factors or data sources that SBA should evaluate; whether SBA's approach to establishing small business size standards makes sense in the current economic environment; whether SBA's applications of anchor size standards are appropriate in the current economy; whether there are gaps in SBA's methodology because of the lack of comprehensive data; and whether there are other facts or issues that SBA should consider.

SBA sought comments on its proposal to change an electric output based size standard of 4 million megawatt hours for electric power generation, transmission and distribution to an employee based size standard of 500 employees and to increase receipts based size standards for three industries in NAICS Sector 22. SBA also invited comments on its proposal to remove Footnote 1 from its table of size standards. Specifically, SBA requested comments on whether the size standards for those industries should be revised as proposed and sought feedback and suggestions on alternative size standards if the proposed size standards were not appropriate. SBA also invited comments on whether its proposed eight fixed levels for receipts based size standard levels are appropriate, and whether it should adopt a common size standard for all industries involved in electric power generation, transmission, and distribution.

Summary of Comments

SBA received eight comments from individual businesses, trade associations, and non-profit electric cooperatives both in support of and in opposition to its proposed size standard changes in NAICS Sector 22. All eight comments focused on SBA's proposal to change the size standard for electric power generation, transmission, and distribution industries from 4 million megawatt hours to 500 employees and to remove Footnote 1 from the size standards table. There were no comments concerning the three proposed increases to receipts based size standards. These comments are summarized below.

The first commenter did not support any of the proposed increases in the size standards in NAICS Sector 22. The commenter interpreted the SBA's proposal to change the size standard for electric power generation, transmission, and distribution industries from 4 million megawatt hours to 500 employees as an increase. The commenter stated that at that level a business is no longer considered small and that it does not support the intent of small business programs. He further noted that with the increases in size standards, the banks will focus more on larger loans by ignoring small businesses the SBA's loan program is intended to help. The commenter, however, did not include any data or analysis to support his argument that this would be an increase to the size standard. In addition, under the tangible net worth and net income based alternative size standard implemented for SBA's 7(a) and 504 Loan Programs implemented under the Jobs Act, businesses much larger than the industry based size standards may now qualify for SBA's loans. Accordingly, SBA has not adjusted the proposed size standards changes based on this comment.

The next commenter also did not support the proposed 500-employee size standard. The commenter argued that it is difficult to cover employee benefits and costs for small businesses with fewer than 50 employees and that it would be much more difficult at 500 employees. He noted that at 500 employees a firm is a large business in the construction industry. The commenter did not provide any industry data or analysis supporting his or her argument. Moreover, the comment was directed to the size of a business in the construction industry, not for industries in NAICS Sector 22. Thus, SBA did not consider this comment in finalizing the proposed size standards in NAICS Sector 22.

The third comment was on behalf of a non-profit trade association representing the non-profit, publicly owned electric utilities in the U.S. While the association supported SBA's effort to account for changes in the electric power industry, it opposed its proposal to change the size standard for electric power generation, transmission and distribution utilities from the 4 million megawatt hours (MWh) to 500 employees. Among the three proposals SBA considered in the proposed rule, the association preferred the proposal to increase the size standard from 4 million megawatt hours to 8 million megawatt hours and retain Footnote 1 in the table of size standards. It also supported the proposed revisions to Footnote 1 and stated that the revised footnote removes the ambiguity about affiliates in determining the firm's primary industry and size and is sufficient for maintaining a MWh-based size standard for the electric power industry. The association noted further that it would support an employee based size standard rather than the hybrid option of adding an employee based size standard to the MhW-based size standard as, it stated, it would add unnecessary complexity in measuring firm size for electric utilities.

The association contended that the MWh-based measure is clear and unambiguous and widely used throughout the industry and by other Federal agencies that regulate the electric power industry. It added that electric output is less impacted by regional variation and market structure and that electric production data are readily available from the EIA for SBA to assess the appropriateness of the size standard for the electric industry. The association argued that an employee-based size standard would cause confusion, particularly for its members, and be very difficult to apply it to publicly owned utilities. Specifically, the association expressed concerns that in situations where the electric utility is a unit of the municipal government, and is overseen either by a city council or an independent utility board, all city employees would be counted towards the employee based size standard, even if they are not all involved in the provision of electric services. The

association added that counting the number of employees involved in electric services would be equally difficult in instances where the city operates multiple utilities (such as electricity, water, gas, sewer, *etc.*) and where various agencies and departments are involved in one combined utility. It argued that if SBA decides to adopt the employee based size standard, only the employees (or only the portion of time allotted to the electric department when an employee is associated with multiple utilities) involved in the generation, transmission and distribution should be counted towards the employee threshold for publicly owned utilities. It also suggested that SBA should provide clear guidance on counting employees for publicly owned electric providers and firms engaged in multiple industries to determine whether or not they are a small business under the employee based size standard.

SBA agrees that electric output is the commonly used measure of business size in the electric industry and is aware that it is used by several Federal agencies for their regulatory purposes. SBA believes that Federal agencies use electric output mainly because many of them use SBA's electric output based size standard for their programs. During both the interagency review of the proposed rule and the public comment period, SBA did not receive any comments from Federal agencies against SBA's proposal to change the size standard for electric utilities from megawatt hours to the number of employees. SBA is very familiar with electric production data from EIA, which the Agency used to evaluate the structure of the industry in the current and previous reviews of these size standards. There are, however, two problems of using electric output as the size measure. First, as explained in the proposed rule, in situations where firms are engaged in electric power generation, transmission and/or distribution and in other industries as well, electric output cannot account for their total size. Similarly, in instances where a company is in the electric power generation, transmission, and/or distribution industry and is affiliated with another entity in a different industry, electric output will fail to account accurately for their aggregate size. Second, under an electric output based size standard, without Footnote 1, a large firm with very limited involvement in electric power generation, transmission, and/or distribution can qualify as small. However, requiring that a firm's primary industry be electric power generation, transmission, and/or distribution for it to qualify as small under the electric output size standard, disqualifies many firms that are engaged in electric power generation, transmission, and/or distribution and other industries, when electric power is not their primary industry. This is especially true among firms involved in electric power generation using renewable sources (such as solar, wind, biomass, geothermal) as well as other industries, where power generation is generally not their primary industry. Preventing them from Federal small business assistance simply because power generation is not their primary activity is counter to the Administration's programs and policies to promote renewable energy production in the country. For these reasons, SBA is adopting the employee based size standard for all electric power generation, transmission and distribution industries.

SBA does not agree with the association's suggestion that SBA should allow to count only the employees (or only the portion of time allotted to the electric department when an employee is associated with multiple utilities) involved in the generation, transmission and distribution towards the employee threshold for publicly owned utilities. In determining number of employees for size standards purposes, SBA counts a concern's total employees from all industries, not just the number of employees for each industry separately. This is true for all industries that currently have an employee based size standard and will also apply to electric power generation, transmission and distribution industries. SBA provides detailed guidance to determine the number of employees in 13 CFR 121.106.

It also appears that the association is not aware that a business concern has to be operated for profit to qualify as small under the SBA's size regulations (see 13 CFR 121.105). Accordingly, because publicly owned utilities are not-for-profit entities, they will not qualify as small, even if they meet the SBA's size threshold.

The next commenter applauded SBA's proposal to remove Footnote 1 and use a common 500-employee size standard for the electric production and distribution industries. He stated that the 500-employee size standard is appropriate for the renewable industries as they have a wide range of companies, from very large companies to single-person entities. The commenter questioned why SBA did not adopt the proposed size standards for the new NAICS codes for renewable energy industries created under NAICS 2012 when the Agency adopted them, although the changes to NAICS codes were made prior to that date. SBA did not do so because when SBA published the proposed rule on July 19, 2012, its size standards were based on NAICS 2007; and when SBA published the interim final rule to adopt NAICS 2012 on August 20, 2012 (effective October 1, 2012), the proposed rule was still open for comments and not finalized. SBA was, therefore, unable to adopt the proposed size standard for new NAICS codes for renewable energy effective October 1, 2012.

The next comment was from a national association representing non-profit rural electric cooperatives. The association supported the SBA's proposal to change the electric utility size standard from 4 million MWh to 500 employees for electric power generation and transmission industries, but it did not support applying the same 500-employee size standard to NAICS 221122, Electric Power Distribution. The commenter highlighted that the electric power industry has changed dramatically since 1974, when SBA first established a size standard for the industry. The electric power generation, transmission, and distribution industries, while functionally integrated, have evolved into stand-alone industries, each with a unique production function. While electric distribution and generation industries are both very capital intensive, distribution is much more labor intensive than the generation industry. This is because, the association explained, distribution utilities not only build and maintain electric distribution lines and the associated easements; they also read meters, process billing/payments, interact with customers, and provide many customer service functions. Thus, it concluded that applying a common size standard across all industries of the utility sector will not adequately control for the unique characteristics of each industry.

Based on its analysis of the electric output data for distribution utilities from EIA combined with revenues and employment data for firms in NAICS 221122, Electric Power Distribution, from the 2007 Economic Census, the association recommended a 1,000-employee size standard for electric distribution. Additionally, the association brought to SBA's attention that one of its member cooperatives, which currently distributes less than 4 million MWh annually and has more than 500 employees, will lose its small utility designation under the 500-employee size standard.

SBA agrees with the association's comments and analysis that the electric power for size standards purposes the distribution industry need to be analyzed on its own rather than combining it with generation and transmission industries. As discussed elsewhere in this rule, SBA analyzed the 2007 Economic Census data for this industry using its size standards methodology to evaluate employee based size standards. The results of this analysis supported a 1,000-employee size standard for NAICS 221122, as recommended by the association.

The next commenter applauded SBA's effort to update the size standards for NAICS Sector 22 and agreed with its proposal to change the size standard for electric industries from megawatts hours to number of employees. He also agreed with the removal of Footnote 1. However, the commenter expressed concerns about SBA's proposal to apply the same size 500-employee size standard to renewable energy industries that it proposed for other electric power generation, transmission and distribution industries. The commenter stated that SBA's proposal violates the requirement that the size standard vary from industry to industry to reflect differing characteristics of the various industries. He added that the proposed size standard will incorrectly enable large renewable energy companies to qualify as small, thereby compromising the intent of SBA's mission to help small businesses.

The commenter recommended that SBA reevaluate NAICS 221119 separately using data only for renewable energy industries (such as solar, wind, *etc.*) rather than combining it with other power generation (such as nuclear, hydroelectric, and fossil fuel), transmission, and distribution industries. He added that renewable energy industries are comprised of many smaller companies with much smaller capital requirements compared to hydroelectric, nuclear and fossil fuel power generation industries. Arguing that NAICS 221119 cannot be likened to manufacturing as other electric power generation industries, the commenter opposed applying the 500-employee manufacturing anchor size standard for renewable energy industries. He argued that a receipts based size standard would be more appropriate for renewable energy industries because solar and wind energy systems generally involve assembly and installations of component parts and are more akin to NAICS 237130 (Power and Communication Line and Related Structures Construction) with a receipts based size standard. However, the commenter did not specify the value for the receipts based size standard to use nor did he provide specific industry data showing the similarities between NAICS 221119 and NAICS 237130 to justify the same receipts based size standard for both industries. In response to the comment, SBA has reevaluated NAICS 221119 only using the data for that industry from the 2007 Economic Census.

The same commenter also provided some data on industry and contracting factors for NAICS 221119, mostly pertaining to solar firms, in support of a receipts based size standard without suggesting a specific value for such a size standard. He opposed the proposed 500-employee size standard, because, as he claimed, it would classify very large renewable energy companies as small businesses. However, the commenter did not indicate if a smaller employee based size standard would be more appropriate, but he did not argue against using number of employees.

The next comment was from a solar industry association concerning the proposed size standard for NAICS 221119, Other Electric Power Generation. The association supported the SBA's proposal to change the current MWh-based size standard to an employee based or revenue based size standard. It stated that many companies in the solar industry sell power through power purchase agreements (PPA) and it might be difficult for them to accurately assess the total electric output for their fleet. In addition, it also supported the proposed elimination of Footnote 1. It added the requirement that a firm must be "primarily engaged" in the generation, transmission and/or distribution of electric energy for sale to be small might unfairly exclude solar companies that sell systems under PPA or lease.

However, like the previous commenter, the association expressed concerns about SBA's proposal to apply the same size 500-employee size standard to NAICS 221119 that it proposed for other electric power generation, transmission and distribution industries. It argued that renewable industries (solar, wind, *etc.*) are very different from the traditional hydroelectric, fossil fuel and nuclear power generation industries. The association added that while these traditional industries are multi-billion dollar industries with highly centralized facilities, renewable industries in NAICS 221119 are made of up many small and widely disbursed facilities. As the previous commenter, it also recommended that SBA reevaluate NAICS 221119 as a separate industry and not apply the same size standard proposed for traditional power generation industries. SBA agrees, and the industry data seem to support, the renewable energy industry is distinct from traditional electric utilities and it should be analyzed separately. The association argued that there exist similarities between the construction trade industry and the solar industry in determining the size of a business, but did not provide any data supporting its argument.

The last commenter representing the solar industry commented on the proposed size standard for NAICS 221119. The commenter opposed the employee-based size standard in support of the current megawatt based size standard. He also supported revising Footnote 1 by broadening the "primarily engaged" requirement and clarifying the size determination method rather than changing the size standard. The commenter contended the proposed employee based size standard for power generation, including NAICS 221119, would drastically increase the number of firms that would qualify as small, many of which would not necessarily be experienced or capable of power generation. This would, as the commenter argued, cause small businesses currently engaged in power generation to lose work to other firms not currently engaged in power generation and increase the risk of non-performance. However, he did not provide any explanation or data to support these arguments.

To increase small business participation, this commenter recommended revising Footnote 1 by replacing the requirement that a firm be "primarily engaged" in power generation with the requirement that the firm obtain at least 40 percent of revenue from power generation. SBA does not accept this recommendation for two reasons. First, the commenter did not provide any analytical basis for choosing the 40 percent figure; it seems arbitrary. Second, the 40 percent revenue requirement will still exclude many firms that are involved in power generation as well as other industries, where power generation revenue accounts for less than 40 percent of the firm's total revenue. This is especially true in the case of renewable energy industries. Thus, for the reasons as explained in the proposed rule and elsewhere in this final rule, SBA is adopting an employee based size standard for all electric power generation, transmission and distribution industries and removing Footnote 1.

In response to the above comments, particularly the comments that the electric power distribution industry is different from the electric power generation industries and that the renewable energy industry (NAICS 221119) is different from the traditional electric power generation, transmission and distribution industries, SBA reanalyzed each of these industries separately. For this, SBA analyzed the 2007 Economic Census data for electric power generation, transmission and distribution data using its size standards methodology for employee based size standards to calculate industry factors and employee based size standards for each of those industries. The size standards derived from this analysis are summarized in Table 1, Employee Based size Standards for Electric Utilities Industries, below.

TABLE 1—EMPLOYEE BASED SIZE STANDARDS FOR ELECTRIC UTILITIES INDUSTRIES

NAICS code	U.S. industry title	Size standard (number of employees)
221111	Hydroelectric Power Generation	500
221112	Fossil Fuel Power Generation	750
221113	Nuclear Power Generation	750
221119	Other Electric Power Generation	250
221121	Electric Bulk Power Transmission and Control	500
221122	Electric Power Distribution	1,000

When SBA published the proposed rule on NAICS Sector 22, the SBA's table of size standards was based on NAICS 2007. In the NAICS 2012 updates, considering the recent growth of renewable power in the electric generation industries, the Office of Management and Budget (OMB) replaced NAICS 221119 (Other Electric Power Generation) with five new industries: namely NAICS 221114 (Solar Electric Power Generation), NAICS 221115 (Wind Electric Power Generation), NAICS 221116 (Geothermal Electric Power Generation), NAICS 221117 (Biomass Electric Power Generation), and NAICS 221118 (Other Electric Power Generation). OMB implemented NAICS 2012 beginning January 1, 2012 and SBA adopted it for its table of size standards beginning October 1, 2012.

Although OMB required all Federal statistical agencies to use 2012 NAICS effective January 1, 2012, data using the new classification are still not available. The 2012 Economic Census data collection is currently underway. SBA will be able to evaluate each renewable industry separately once it receives special tabulations from the 2012 Economic Census.

The 2007 Economic Census, which is the primary source of industry data for the current comprehensive size standards review, does not include data for each of these newly created industry codes under NAICS 2012; they are all combined into NAICS 221119 under NAICS 2007. Thus, given the lack of data, SBA has decided to apply the result for NAICS 221119 to each of those new NAICS codes. Additionally, SBA evaluated simple and weighted average number of employees and the Gini coefficient using the 2012 first quarter Quarterly Census of Employment and Wages (QCEW) data from the Bureau of Analysis for new NAICS codes 221114, 221115, 221116, 221117. These results also supported the same 250-employee size standard for each of these industries that SBA obtained for NAICS 221119 using the 2007 Economic Census data. Accordingly, SBA is adopting 250 employees as the size standard for NAICS 221114 to 221118.

The commenters opposing the application of the 500-employe size standard for NAICS 221119 suggested a revenue based size standard for that industry. However, in view of rapid growth and increased completion and their potential impacts on costs and in turn on revenues in renewable energy industries, SBA believes that the number of employees is a better measure of business size for firms in those industries. Moreover, the employee measure has the same advantages as the revenue measure over the MWh measure. Thus, SBA is adopting the employee based size standards for NAICS 221114 to 221118.

Since there were no comments against proposed increases to three receipts based size standards in NAICS Sector 22, SBA is adopting the increases as proposed.

All comments to the proposed rule are available for public review at *http://www.regulations.gov*.

Conclusion

Based on SBA's analyses of relevant industry and program data and the public comments it received on the proposed rule, SBA is changing the small business size standards for 10 industries in electric power generation, transmission, and distribution from megawatt hours to number of employees and increasing the receipts based size standards for three industries in North American Industry Classification System (NAICS) Sector 22, Utilities. In addition, SBA is removing Footnote # 1 from SBA's Table of Size Standards that applied to all of the NAICS codes in electric power generation, transmission and distribution. Those industries and their proposed and adopted size standards are shown in Table 2, Summary of Proposed and Adopted Size Standard Revisions in NAICS Sector 22, below.

TABLE 2—SUMMARY OF PROPOSED AND ADOPTED SIZE STANDARD REVISIONS IN NAICS SECTOR 22

NAICS code	U.S. industry title	Current size standards (NAICS 2012)	Proposed size standards (NAICS 2007)	Adopted size standards (NAICS 2012)
221111	Hydroelectric Power Generation	4 million megawatt hours	500 employees	500 employees.
221112	Fossil Fuel Electric Power Generation	4 million megawatt hours	500 employees	750 employees.
221113	Nuclear Electric Power Generation	4 million megawatt hours	500 employees	750 employees.
221119	Other Electric Power Generation		500 employees	
221114	Solar Electric Power Generation	4 million megawatt hours		250 employees.

TABLE 2—SUMMARY OF PROPOSED AND ADOPTED SIZE STANDARD REVISIONS IN NAICS SECTOR 22—Continued

NAICS code	U.S. industry title	Current size standards (NAICS 2012)	Proposed size standards (NAICS 2007)	Adopted size standards (NAICS 2012)
221115	Wind Electric Power Generation	4 million megawatt hours		250 employees.
221116	Geothermal Electric Power Generation	4 million megawatt hours		250 employees.
221117	Biomass Electric Power Generation	4 million megawatt hours		250 employees.
221118	Other Electric Power Generation	4 million megawatt hours		250 employees.
221121	Electric Bulk Power Transmission and Control	4 million megawatt hours	500 employees	500 employees.
221122	Electric Power Distribution	4 million megawatt hours	500 employees	1,000 employees.
221310	Water Supply and Irrigation Systems	$7.0 million	$25.5 million	$25.5 million.
221320	Sewage Treatment Facilities	$7.0 million	$19.0 million	$19.0 million.
221330	Steam and Air-Conditioning Supply	$12.5 million	$14.0 million	$14.0 million.

SBA did not review the 500-employee size standard for Natural Gas Distribution, NAICS Code 221210. SBA will retain that size standard until the Agency reviews it with other employee based size standards.

Compliance With Executive Orders 12866, 13563, 12988 and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this final rule is not a "significant regulatory action" for purposes of Executive Order 12866. To help explain the need of this rule and the rule's potential benefits and costs, SBA is providing below a Cost Benefit Analysis. This is also not a "major" rule, under the Congressional Review Act, 5 U.S.C. 801, *et seq.*

Cost Benefit Analysis

1. Is there a need for the regulatory action?

SBA believes that the revised size standards for a number of industries in NAICS Sector 22, Utilities, will better reflect the economic characteristics of small businesses and the Federal government marketplace in those industries. SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development and advocacy programs. To assist the intended beneficiaries of these programs, SBA must establish distinct definitions of which businesses are deemed small businesses. The Small Business Act (15 U.S.C. 632(a)) delegates to SBA's Administrator the responsibility for establishing small business definitions. The Act also requires that small business definitions vary to reflect industry differences. The recently enacted Small Business Jobs Act also requires SBA to review all size standards and make necessary adjustments to reflect market conditions. The supplementary information sections of the proposed rule and this final rule explains SBA's methodology for analyzing a size standard for a particular industry.

2. What are the potential benefits and costs of this regulatory action?

The most significant benefit to businesses obtaining small business status because of this rule is gaining eligibility for Federal small business assistance programs. These include SBA's financial assistance programs, economic injury disaster loans, and Federal procurement programs intended for small businesses. Federal procurement programs provide targeted opportunities for small businesses under SBA's business development programs, such as 8(a), Small Disadvantaged Businesses (SDB), small businesses located in Historically Underutilized Business Zones (HUBZones), women-owned small businesses (WOSB), and service-disabled veteran-owned small business concerns (SDVO SBC). Federal agencies may also use SBA size standards for a variety of other regulatory and program purposes. These programs assist small businesses to become more knowledgeable, stable, and competitive. In the 10 industries for which SBA is changing the size standard from MWh to number of employees, SBA estimates that about 300 additional firms will obtain small business status and become eligible for these programs. Similarly, in the three industries for which SBA is increasing the receipts based size standard, about 100 firms, not small in the current size standard, will gain small business status. That represents approximately 8 percent of the total number of firms that are classified as small under the current standards in all industries within NAICS Sector 22 that are covered in this final rule. This will increase the small business share of total industry receipts from approximately 7 percent under the current size standards to 17 percent.

SBA estimates that firms gaining small business status under the revised size standards could receive Federal contracts totaling $25 million to $30 million annually under SBA's small business Programs.

Three groups will benefit from the revised size standards: (1) Some businesses that are above the current size standards will gain small business status under the revised size standards, thereby enabling them to participate in Federal small business assistance programs; (2) growing small businesses that are close to exceeding the current size standards will be able to retain their small business status under the revised size standards, thereby enabling them to continue their participation in the programs; and (3) Federal agencies will have a larger pool of small businesses from which to draw for their small business procurement programs.

Under SBA's 7(a) Business and 504 Loan Programs, based on the fiscal years 2008 to 2010 data, SBA estimates that around 10 to 12 additional loans totaling about $2 million to $3 million in Federal loan guarantees could be made to these newly defined small businesses under the proposed size standards. Increasing the size standards will likely result in an increase in small business guaranteed loans to businesses in these industries, but it would be impractical to try to estimate exactly the extent of their number and total amount loaned. Under the Jobs Act, SBA can now guarantee substantially larger loans than in the past. In addition, the Jobs Act established an alternative size standard ($15 million in tangible net worth and $5 million in net income after income taxes) for business concerns that do not meet the size standards for their industry. Therefore, SBA finds it similarly difficult to quantify the impact of these proposed standards on its 7(a) and 504 Loan Programs.

Newly defined small businesses will also benefit from SBA's Economic Injury Disaster Loan (EIDL) Program. However,

since the benefit under this program is contingent on the occurrence and severity of a disaster, SBA cannot make a meaningful estimate of benefits for future disasters.

To the extent that those 400 newly defined additional small firms could become active in Federal procurement programs under the revised size standards, may entail some additional administrative costs to the Federal Government associated with additional bidders for Federal small business procurement opportunities. In addition, there could be more firms seeking SBA guaranteed loans, more firms eligible for registration in the System of Award Management (SAM) Dynamic Small Business Search database and more firms seeking certification as 8(a) or HUBZone firms or those qualifying for small business. WOSB, SDVO SBC, and SDB status. Among those newly defined small businesses seeking SBA assistance, there could be some additional costs associated with compliance and verification of small business status and protests of small business status. These added costs will be minimal because mechanisms are already in place to handle these administrative requirements.

Additionally, the costs to the Federal Government may be higher on some Federal contracts. With a greater number of businesses defined as small, Federal agencies may choose to set aside more contracts for competition among small businesses rather than using full and open competition. The movement from unrestricted to small business set-aside contracting might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers. However, the additional costs associated with fewer bidders, however, are expected to be minor since, as a matter of law, procurements may be set aside for small businesses or reserved for the 8(a), HUBZone, WOSB, or SDVO SBC Programs only if awards are expected to be made at fair and reasonable prices. In addition, higher costs may result if more full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences.

The revised size standards may have some distributional effects among large and small businesses. Although SBA cannot estimate with certainty the actual outcome of the gains and losses among small and large businesses, it can identify several probable impacts. There may be a transfer of some Federal contracts to small businesses from large businesses. Large businesses may have fewer Federal contract opportunities as Federal agencies decide to set aside more Federal contracts for small businesses. In addition, some Federal contracts may be awarded to HUBZone firms instead of large businesses since these firms may be eligible for a price evaluation preference for contracts when they compete on a full and open basis. Similarly, currently defined small businesses may obtain fewer Federal contracts due to the increased competition from more businesses defined as small. This transfer may be offset by a greater number of Federal procurements set aside for all small businesses. The number of newly defined and expanding small businesses that are willing and able to sell to the Federal Government will limit the potential transfer of contracts away from large and currently defined small businesses. SBA cannot estimate the potential distributional impacts of these transfers with any degree of precision. The revisions to the existing size standards for NAICS Sector 22, Utilities, are consistent with SBA's statutory mandate to assist small business. This regulatory action promotes the Administration's objectives. One of SBA's goals in support of the Administration's objectives is to help individual small businesses succeed through fair and equitable access to capital and credit, Government contracts, and management and technical assistance. Reviewing and modifying size standards, when appropriate, ensures that intended beneficiaries have access to the small business programs designed to assist them.

Executive Order 13563

A description of the need for this regulatory action and benefits and costs associated with this action including possible distributional impacts that relate to Executive Order 13563 are included above in the Cost Benefit Analysis.

In an effort to engage interested parties in this action, SBA has presented its size standards methodology (discussed above under Supplementary Information) to various industry associations and trade groups. SBA also met with various industry groups (including energy) to get their feedback on its methodology and other size standards issues. In addition, SBA presented its size standards methodology to businesses in 13 cities in the U.S. and sought their input as part of the Jobs Act Tours. The presentation included information on the status of the comprehensive size standards review and on how interested parties can provide SBA with input and feedback on size standards review.

Additionally, SBA sent letters to the Directors of the Offices of Small and Disadvantaged Business Utilization (OSDBU) at several Federal agencies with considerable procurement responsibilities requesting their feedback on how the agencies use SBA size standards and whether current standards meet their programmatic needs (both procurement and non-procurement). SBA gave appropriate consideration to all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and Federal agencies in preparing the proposed rule and this final rule.

The review of size standards in NAICS Sector 22, Utilities, is consistent with Executive Order 13563, Section 6, calling for retrospective analyses of existing rules. As discussed previously, SBA's last comprehensive review of size standards was during the late 1970s and early 1980s. Since then, except for periodic adjustments of monetary based size standards for inflation, most reviews were limited to a few specific industries in response to requests from the public and Federal agencies. SBA recognizes that changes in industry structure and the Federal marketplace over time have rendered existing size standards for some industries no longer supportable by current data. Accordingly, in 2007, SBA began a comprehensive review of its size standards to ensure that existing size standards have supportable bases and to revise them when necessary. In addition, on September 27, 2010, the President of the United States signed the Small Business Jobs Act of 2010 (Jobs Act). The Jobs Act directs SBA to conduct a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. Specifically, the Jobs Act requires SBA to conduct a detailed review of at least one-third of all size standards during every 18-month period from the date of its enactment and do a complete review of all size standards not less frequently than once every 5 years thereafter.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice reforms, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purposes of Executive Order 13132, SBA has determined that this final rule will not have substantial,

direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, SBA has determined that this final rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this final rule will not impose new reporting or record keeping requirements.

Final Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act (RFA), this final rule may have a significant impact on a substantial number of small entities in NAICS Sector 22, Utilities. As described above, this rule may affect small entities seeking Federal contracts, loans under SBA's 7(a), 504 and Economic Injury Disaster Loan Programs, and assistance under other Federal small business programs.

Immediately below, SBA sets forth a final regulatory flexibility analysis of this final rule addressing the following questions: (1) What are the need for and objective of the rule? (2) What are SBA's description and estimate of the number of small entities to which the rule will apply? (3) What are the projected reporting, record keeping and other compliance requirements of the rule? (4) What are the relevant Federal rules that may duplicate, overlap or conflict with the rule? and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

1. What are the need for and objective of the rule?

Most of the size standards in NAICS Sector 22, Utilities, have not been reviewed since the early 1980s. Technology, productivity growth, international competition, mergers and acquisitions, and updated industry definitions may have changed the structure of many industries in the Sector. Such changes can be sufficient to support a revision to size standards for some industries. Based on its analysis of the latest data available, SBA believes that the proposed size standards in this rule more appropriately reflect the size of businesses in those industries that need Federal assistance. The Small Business Jobs Act also requires SBA to review all size standards and make necessary adjustments to reflect market conditions.

2. What are SBA's description and estimate of the number of small entities to which the rule will apply?

Under the revised size standards, SBA estimates that 400 additional firms will become small because of revisions to size standards in 13 industries. That represents about 8 percent of total firms that are small under current size standards in all industries within NAICS Sector 22 covered by this final rule. This will result in an increase in the small business share of total industry receipts for those industries from about 7 percent under the current size standards to about 17 percent under the revised size standards. Under the revised size standards, more small businesses will be able to retain their small business status for a longer period. Many have lost their eligibility and find it difficult to compete at such low levels with companies that are significantly larger than they are. SBA believes the competitive impact will be positive for existing small businesses and for those that exceed the current size standards but are on the very low end of those that are not small. They might otherwise be called or referred to as mid-sized businesses, although SBA only defines what is small; entities that are not small for any reason are "other than small."

3. What are the projected reporting, record keeping and other compliance requirements of the rule?

The revised size standards changes do not impose any additional reporting or record keeping requirements on small entities. However, qualifying for Federal procurement and a number of other Federal programs requires that entities register in the System of Award Management (SAM) database and certify at least annually that they are small in SAM. Therefore, businesses opting to participate in those programs must comply with SAM requirements. There are no costs associated with SAM registration or certification. Changing size standards alters eligibility for SBA programs that assist small businesses, but does not impose a regulatory burden as they neither regulate nor control business behavior.

4. What are the relevant Federal rules, which may duplicate, overlap or conflict with the rule?

Under § 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rule that would duplicate or conflict with establishing size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (13 CFR 121.903). Additionally, the Regulatory Flexibility Act authorizes an Agency to establish an alternative small business definition after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

5. What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA amends 13 CFR Part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 662, and 694a(9).

■ 2. In § 121.201, in the table, revise the entries for "221111", "221112", "221113", "221114" "221115", "221116", "221117", "221118", "221121", "221122", "221310", "221320", and "221330" to read as follows:

§ 121.201 What size standards has SBA identified by North American Industry Classification System codes?

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
221111	Hydroelectric Power Generation		500
221112	Fossil Fuel Electric Power Generation		750
221113	Nuclear Electric Power Generation		750
221114	Solar Electric Power Generation		250
221115	Wind Electric Power Generation		250
221116	Geothermal Electric Power Generation		250
221117	Biomass Electric Power Generation		250
221118	Other Electric Power Generation		250
221121	Electric Bulk Power Transmission and Control		500
221122	Electric Power Distribution		1,000
*	* * * * *	*	*
221310	Water Supply and Irrigation Systems	25.5	
221320	Sewage Treatment Facilities	19.0	
221330	Steam and Air-Conditioning Supply	14.0	
*	* * * * *	*	*

■ 3. In § 121.201, at the end the table "Small Business Size Standards by NAICS Industry," remove and reserve Footnote 1 to read as follows:.

* * * * *

FOOTNOTES

1. [Reserved].

* * * * *

Dated: August 16, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–30327 Filed 12–20–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0641; Airspace Docket No. 13–AGL–7]

Establishment of Class E Airspace; Sisseton, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Sisseton, SD. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Sisseton Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: Effective date: 0901 UTC, April 3, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On August 16, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Sisseton, SD, area, creating controlled airspace at Sisseton Municipal Airport (78 FR 49985) Docket No. FAA–2013–0641. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 10.7-mile radius of Sisseton Municipal Airport, Sisseton, SD, to contain aircraft executing new standard instrument approach procedures at the airport. Controlled airspace enhances the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes

controlled airspace at Sisseton Municipal Airport, Sisseton, SD.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface

* * * * *

AGL SD E5 Sisseton, SD [New]

Sisseton Municipal Airport, SD
(Lat. 45°40′10″ N., long. 96°59′37″ W.)

That airspace extending upward from 700 feet above the surface within a 10.7-mile radius of Sisseton Municipal Airport.

Issued in Fort Worth, Texas, on December 4, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–30386 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

[Docket No.: NASA–2013–0005]

RIN 2700–AD97

Small Business Policy

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes administrative changes to correct organizational information and citations that have changed in a regulation that establishes NASA's small business policy and outlines the delegation of authority to implement this policy, as required by Federal law. The regulation is also being amended to include a reference to NASA's general policy for small business programs and NASA small business subcontracting plan and reporting information. The revisions to this rule are part of NASA's retrospective plan under EO 13563 completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open/.*

DATES: This direct final rule is effective on February 21, 2014. Comments due on or before January 22, 2014. If adverse comment is received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RIN 2700–AD97 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitted comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Richard Mann, (202) 358–2438.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves non-substantive changes dealing with NASA's small business policy. NASA expects no opposition to the changes and no significant adverse comments. However, if NASA receives a significant adverse comment, the Agency will withdraw this direct final rule by publishing a document in the **Federal Register**. A significant adverse comment is one that explains:

(1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or

(2) Why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

NASA's small business policy, published August 17, 1993 [58 FR 43554], was established to enable small businesses, historically black colleges and universities, and other minority educational institutions the opportunity to participate equitably and proportionately in its total purchases and contracts that are consistent with NASA's needs to execute it missions. While this regulation describes NASA's small business policy and outlines the delegation of authority to implement this policy as required by Federal law, NASA's general policy for small business programs is described in 48 CFR part 1819, Small Business Programs [62 FR 36707, July 9, 1997, as amended at 64 FR 25215, May 11, 1999; 65 FR 38777, June 22, 2000; 65 FR 58932, Oct. 3, 2000; 67 FR 53947, Oct. 23, 2001; 69 FR 21765, Apr. 22, 2004], and its small business subcontracting plan and reporting is described in 48 CFR part 1852, Solicitation Provisions and Contract Clauses [62 FR 36733, July 9, 1997; 62 FR 40309, July 28, 1997, as amended at 64 FR 25215, May 11, 1999].

Statutory Authority

The National Aeronautics and Space Act (the Space Act), 51 U.S.C. 20113 (a), authorizes the Administrator of NASA to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

Regulatory Analysis

Executive Order 12866 and Executive Order 13563

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This final rule has

been designated a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601), because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act Statement

This rule does not contain an information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 14 CFR Part 1204

Colleges and universities, Small business.

Accordingly, 14 CFR part 1204 is amended as follows:

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 4—Small Business Policy

■ 1. The authority citation for subpart 4 to part 1204 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(5); 42 U.S.C. 2473b; Public Law 101–507, the VA/HUD/Indep. Agencies Appropriation Act for FY 1991, at 104 Stat. 1380 (Nov. 5, 1990); and 15 U.S.C. 631–650.

■ 2. Section 1204.401 is amended as follows:

■ a. Paragraph (a) is revised.

■ b. In paragraph (b), add the parenthesized acronym "(R&D)" after the word "development" in its first occurence, remove the phrase "research and development" in the second occurrence and add in its place the acronym "R&D," and remove the phrase "and small disadvantaged" in the last sentence.

The revision reads as follows:

§ 1204.401 Policy.

(a) It is NASA's policy to enable small businesses (including small disadvantaged businesses, small women-owned businesses, HUBZone small businesses, veteran-owned small businesses and service disabled veteran-owned small businesses), historically black colleges and universities, and other minority educational institutions the opportunity to participate equitably and proportionately in its total purchases and contracts that are consistent with the Agency's needs to execute its mission.

* * * * * *

■ 3. Section 1204.402 is revised to read as follows:

§ 1204.402 Responsibilities.

(a) *Office of Small Business Programs (OSBP).* The Associate Administrator for Small Business Programs, NASA Headquarters, is responsible for the activities described in NASA Policy Directive 1000.3, The NASA Organization. The Associate Administrator is also responsible for representing NASA before other Government agencies on matters primarily affecting small businesses.

(b) *NASA Headquarters and NASA Centers.* Center Directors (including the Executive Director for the NASA Shared Services Center and the Director for the NASA Management Office, but excluding the Director for the Jet Propulsion Laboratory) along with the Associate Administrator for the Office of Small Business Programs shall nominate a qualified individual in their contracting office as a small business specialist to provide a central point of contact to which small business concerns may direct inquiries concerning small business matters and participation in NASA acquisitions. When a Center Director determines that the volume of acquisitions or the functions relating to acquisitions at the Center do not warrant a full-time small business specialist, these duties may be assigned to procurement personnel on a part-time basis, with the concurrence of the Associate Administrator for the Office of Small Business Programs. NASA Centers shall establish and maintain liaison with the Small Business Administration (SBA) Procurement Center Representative (PCR) or the appropriate SBA Regional Office in matters relating to NASA Center procurement activities. Small Business Specialists shall perform the duties delineated in NASA FAR Supplement 1819.201(e)(ii). The Associate Administrator for Small Business Programs shall assign a Small Business Technical Advisor to each contracting activity within the Agency to which the SBA has assigned a PCR, pursuant to FAR 19.201(d)(8).

■ 4. Section 1204.403 is revised to read as follows:

§ 1204.403 General policy.

NASA's general policy for small business programs is described in 48 CFR part 1819, Small Business Programs; 48 CFR part 1852, Solicitation Provisions and Contract; and NASA Policy Directive 5000.2C, Small Business Subcontracting Goals (*http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPD&c=5000&s=2*).

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2013–30510 Filed 12–20–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 358

RIN 0625–AA99

[Docket No.: 131114956–3956–01]

Import Administration; Change of Agency Name for Supplies for Use in Emergency Relief Work

AGENCY: Import Administration, Commerce.

ACTION: Final rule; Nomenclature change.

SUMMARY: Effective October 1, 2013, the Department of Commerce (Department), through internal department organizational orders, changed the name of "Import Administration" to "Enforcement and Compliance." Consistent with this action, this rule makes appropriate conforming changes in our regulations. The rule also sets forth a Savings Provision in **SUPPLEMENTARY INFORMATION** that preserves, under the new name, all actions taken under the name of Import Administration and provides that any references to Import Administration in any document or other communication shall be deemed to be references to Enforcement and Compliance.

DATES: This rule is effective December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Robert Goodyear, Director, Office of Operations Support Enforcement & Compliance, Telephone: (202) 482–5194; Michele D. Lynch, Senior Counsel, Office of Chief Counsel for Trade Enforcement and Compliance, Telephone: (202) 482–2879.

SUPPLEMENTARY INFORMATION:

Background

This rule implements the decision by the Department, through internal Department Organizational Orders 10–3 (effective September 18, 2013) and Department Organizational Order 40–1, (effective September 19, 2013), to consolidate and reorganize certain department organizational functions and revise the name of "Import

Administration" to "Enforcement and Compliance." The revision more accurately reflects the breadth of the agency's activities with respect to the enforcement of, and compliance with, U.S. trade laws and agreements. Consistent with the consolidation and name change, this rule makes certain changes in part 358 of title 19 of the Code of Federal Regulations. Specifically, this rule changes all references to "Import Administration" wherever they appear in part 358 of title 19, to "Enforcement and Compliance."

This rule shall constitute notice that all references to Import Administration in any documents, statements, or other communications, in any form or media, and whether made before, on, or after the effective date of this rule, shall be deemed to be references to Enforcement and Compliance. Any actions undertaken in the name of or on behalf of Import Administration, whether taken before, on, or after the effective date of this rule, shall be deemed to have been taken in the name of or on behalf of Enforcement and Compliance.

Rulemaking Requirements

1. This final rule has been determined to be exempt from review for purposes of Executive Order 12866.

2. This rule does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this rule involves a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(B). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) are not applicable. Accordingly, this rule is issued in final form.

List of Subjects in 19 CFR Part 358

PART 358—SUPPLIES FOR USE IN EMERGENCY RELIEF WORK

■ 1. The authority citation for part 358 continues to read as follows:

Authority: 19 U.S.C. 1318(A).

■ 2. In 19 CFR part 358, revise all references to "Import Administration" to read "Enforcement and Compliance."

Dated: December 13, 2013.

Ken Hyatt,

Acting Under Secretary for International Trade.

[FR Doc. 2013–30570 Filed 12–20–13; 8:45 am]

BILLING CODE P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Procedural Rules To Permit Parties To File and Serve Documents Electronically

AGENCY: Federal Mine Safety and Health Review Commission

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Mine Safety and Health Review Commission is amending its procedural rules to permit parties to file and serve documents electronically. The Commission is permitting electronic filing through an electronic case management system that the Commission will implement in 2014. The electronic case management system will allow the Commission to manage its caseload more efficiently.

DATES: This interim rule will take effect on January 22, 2014. The Commission will accept written and electronic comments received on or before April 22, 2014.

ADDRESSES: Electronic comments should state "Comments on Electronic Rule Changes" in the subject line and be emailed to *mmccord@fmshrc.gov*. Written comments should be mailed to Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW., Suite 520N, Washington, DC 20004–1710, or sent via facsimile to 202–434–9944.

FOR FURTHER INFORMATION CONTACT: Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935 or *mmccord@fmshrc.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

In 2014, the Commission will begin using a new electronic case management system (e-CMS) in order to more efficiently manage its caseload. The e-CMS has two main functions. It will manage files electronically for the Commission and allow parties to file documents electronically with the Commission. Although parties may file documents electronically through the system, parties may also continue to file documents non-electronically as they have in the past. The e-CMS simply provides parties with an electronic option for filing in addition to the methods they currently use.

The Commission's e-CMS permits parties to file documents electronically through a portal which may be accessed on the Commission's Web site (*www.fmshrc.gov*). In order to use the system, parties will have to register to become a user by following instructions provided on the Commission's Web site. As part of the registration process, the party must enter an email address into the system. The Commission's e-CMS will not serve documents on parties electronically. If parties wish to serve other parties with documents electronically, they must email the documents to the intended recipients.

The Commission is changing a few of its procedural rules through these interim rules to explicitly permit electronic filing and service. The intent of the rule changes is to promote efficiency, flexibility, and simplicity. The Commission invites comments on the rule changes, particularly after parties have experience using the e-CMS. The Commission intends to publish final rules approximately six to nine months after the interim rules become effective. The time for publishing final rules will be adjusted as necessary to address any issues.

B. Section-by-Section Analysis

Set forth below is a summary of the changes made in these interim rules. Some conforming changes and minor editorial modifications are not discussed.

Section 2700.5 General Requirements for Pleadings and Other Documents; Status or Informational Requests

Rule 5 has been revised to add a new paragraph (b), which describes how a party may file a document. For clarity, paragraph (b) specifically lists the various methods of filing. The rule provides in part that filing may be accomplished "in person, by U.S Postal Service, by third-party commercial

carrier, by facsimile transmission, or by electronic transmission." Paragraph (b) also explains that the instructions for electronic filing are provided on the Commission's Web site (*www.fmshrc.gov*).

Newly designated paragraph (f) of Rule 5 describes the effective dates for the specified methods of filing. The effective dates for filing set forth in Interim Rule 5 are largely unchanged from prior effective dates for filing.

Prior to Interim Rule 5, when filing was by personal delivery or facsimile, filing was "effective upon successful receipt by the Commission." 29 CFR § 2700.5(e)(2). When filing was by mail, filing was "effective upon mailing, except that the filing of a motion for extension of time, any document in an emergency response plan dispute proceeding, a petition for review of a temporary reinstatement order, a motion for summary decision, a petition for discretionary review, [and] a motion to exceed page limit [was] effective upon receipt." *Id.* (citations omitted).

Under interim Rule 5(f)(2), filing by U.S. Postal Service is effective upon mailing except for the same exceptions noted above that have applied for the filing of a motion for extension of time, any document in an emergency response plan dispute proceeding, a petition for review of a temporary reinstatement order, a motion for summary decision, a petition for discretionary review, and a motion to exceed page limit. The filing of such documents is effective only upon receipt. When filing is in person, by third-party commercial carrier, or by facsimile, filing is effective upon successful receipt by the Commission.

Interim Rule 5(f) newly provides, however, that when filing is by electronic transmission, filing is effective upon successful receipt by the Commission. When a document has been electronically filed with the Commission through the Commission's e-CMS, and the document has been successfully received by the Commission, an employee in the Commission's Docket Office will send an email to the filer indicating that the document has been successfully received. It is possible that a document which has been filed with the Commission's e-CMS will not be accepted as "successfully received." For instance, an electronically filed document may not be "successfully received" if the filer erred in entering the docket number or failed to upload the document that was intended to be filed. When a document has not been "successfully received," an employee in the Commission's Docket Office will send an email informing the filer that the document was not successfully received and describe the error that prevented successful receipt. The meaning of "successful receipt" for documents electronically filed through e-CMS will be described on the Commission's Web site.

Interim Rule 5(g) changes the number of copies of documents required to be filed with the Commission. Previously the Commission's rules generally provided that in cases before a Judge, parties were required to file the original document, along with one copy for each docket, while in cases before the Commission, parties were required to file the original and six copies. *See* 29 CFR § 2700.5(f). Under interim Rule 5(g), parties are required to file only the original document, unless otherwise ordered, regardless of whether the case is before a Judge or the Commission, and regardless of the method used for filing the document. In other words, only the original document should be filed whether the document is filed with a Judge or the Commission and whether the document is filed in person, by U.S. Postal Service, by third-party commercial carrier, by facsimile, or by electronic transmission.

Interim Rule 5(j) clarifies that information concerning filing requirements, the status of cases, or docket information may be accessed through the Commission's Web site (*www.fmshrc.gov*).

Section 2700.6 Signing of Documents

Rule 6 has been revised to add a new paragraph (a). New paragraph (a) describes what constitutes a signature for documents filed electronically and non-electronically. For documents not filed by electronic transmission, a party or representative of the party must sign a document by handwriting his or her signature. For documents filed by electronic transmission, a party may sign a document by including the notation "/s/" followed by the typewritten name of the party or representative, or by including a graphical duplicate of his or her signature. The meaning of a signature that complies with interim Rule 6(a) remains unchanged from that previously set forth in Rule 6 prior to these interim rules. That is, when a party or a representative signs a document in the manner described in new paragraph (a), the signature shall constitute his or her certificate that he is authorized and qualified to represent the party and that he or she has read the document; that the document is well grounded in fact and warranted, and that it is not interposed for any improper purpose.

Section 2700.7 Service

Rule 7 was amended by revising paragraph (c). Interim Rule 7(c)(1) describes the methods by which a document may be served on another party. As with filing, those methods include in person, by U.S. Postal Service, by third-party commercial carrier, by facsimile transmission and by electronic transmission. Because the Commission's e-CMS will not serve documents on other parties electronically, if a party wishes to serve a document electronically, the document must be served by email. Interim Rule 7(c)(1) also provides that for documents filed pursuant to §§ 2700.9(a), 2700.24, 2700.45, 2700.70(f), 2700.75(f) and subpart F (applications for temporary relief), the method of service used must be no less expeditious than that used for filing, except that if service by email is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery. For instance, if a party electronically files a motion for an extension of time pursuant to § 2700.9(a) but cannot serve the motion by email, the filing party must choose one of the other methods of service that results in same-day delivery. Rule (7)(c)(1) was also revised to remove the page limit for documents served by facsimile.

Interim Rule 7(c)(2) sets forth the effective dates for service. The effective dates for service are largely unchanged. Prior to the interim rules, Rule 7(c)(2) provided that when service is by personal delivery or facsimile, "service is effective upon successful receipt by the party intended to be served," and that when service is by mail, service is effective upon mailing. Similarly, Interim Rule 7(c)(2) specifies that when service is by U.S. Postal service, service is effective upon mailing, and that when service is in person, by third-party commercial carrier, or by facsimile, service is effective upon successful receipt of the party intended to be served. Interim Rule 7(c)(2) adds a new provision that when service is by email, service is effective upon successful receipt by the party intended to be served.

The provisions of paragraph (d) relating to service upon a representative set forth in former Rule 7 were moved and inserted in paragraph (a) of Interim Rule 7. Those provisions remain otherwise unchanged.

The requirements for proof of service are set forth in Interim Rule 7(d). Interim Rule 7(d) provides that all pleadings and other filed documents

shall be accompanied by a certification setting forth the date, method of service, and all contact information used. The requirements that the statement of proof must be a certification and that the contact information used to serve the document must be included in the certification are new.

Section 2700.8 Computation of Time

Rule 8 was revised by adding a new paragraph (d). Since documents can be filed electronically with the Commission after the Commission's offices are closed, the Commission revised Rule 8 to specify the time for filing a document, which varies depending upon the method used for filing the document. Interim Rule 8(d) specifies that the due date for electronic filing and for filing by facsimile ends at midnight Washington, DC local time. For filing by other means, the due date ends at 5:00 p.m. Washington, DC local time.

The Commission has not specified a time zone for service. The Commission may include a time zone for service in future rulemaking after it has gained experience with any issues relating to electronic filing and service.

Section 2700.9 Extensions of Time

Paragraph (a) of Rule 9 was revised to provide that a motion for an extension of time and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by email is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile, resulting in same-day delivery.

Similar changes have been made to §§ 2700.24(d), 2700.45(a), 2700.45(f), 2700.46(d), 2700.70(f), and 2700.75(f), and will not be discussed separately.

Section 2700.31 Penalty Settlement

Paragraph (d)(1) of Rule 31 has been revised in part to state that filing is effective upon successful receipt by the Commission of a motion to approve settlement and proposed order that is filed electronically. Prior to Interim Rule 31, section 2700.31(d)(1) had provided that filing was effective upon the date of the electronic transmission of the motion and proposed order. *See* 29 CFR 2700.31(d)(1). The Commission changed Interim Rule 31(d)(1) in this manner to make it consistent with other interim rule changes. Other conforming changes have been made to Rule 31.

C. Notice and Public Procedure

Because this amendment deals with agency management and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(a)(2) and (b)(3)(A).

The Commission is an independent regulatory agency and, as such, is not subject to the requirements of E.O. 12866, E.O. 13132, or the Unfunded Mandates Reform Act, 2 U.S.C. 1501 et seq.

The Commission has determined that this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because a general notice of proposed rulemaking is not required under 5 U.S.C. 553(b).

This rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

The Commission has determined that the Congressional Review Act, 5 U.S.C. 801, is not applicable here because, pursuant to 5 U.S.C. 804(3)(C), this rule "does not substantially affect the rights or obligations of non-agency parties."

List of Subjects in 29 CFR Part 2700

Administrative practice and procedure, Mine safety and health, Penalties, Whistleblowing.

Accordingly, Chapter XXVII of Title 29 of the Code of Federal Regulations is amended as follows:

PART 2700—PROCEDURAL RULES

■ 1. The authority citation for Part 2700 continues to read as follows:

Authority: 30 U.S.C. 815, 820, 823, and 876.

■ 2. Section 2700.3 is amended by revising paragraph (c) to read as follows:

§ 2700.3 Who may practice.

* * * * *

(c) *Entry of appearance.* A representative of a party shall enter an appearance in a proceeding under the Act or these procedural rules by signing the first document filed on behalf of the party with the Commission or Judge in accordance with § 2700.6; filing a written entry of appearance with the Commission or Judge; or, if the Commission or Judge permits, by orally entering an appearance in open hearing.

* * * * *

■ 3. Section 2700.5 is revised to read as follows:

§ 2700.5 General requirements for pleadings and other documents; status or informational requests.

(a) *Jurisdiction.* A proposal for a penalty under section 110, 30 U.S.C. 820(c); an answer to a notice of contest of a citation or withdrawal order issued under section 104, 30 U.S.C. 814; an answer to a notice of contest of an order issued under section 107, 30 U.S.C. 817; a complaint issued under section 105(c) or 111, 30 U.S.C. 815(c) and 821; and an application for temporary reinstatement under section 105(c)(2), 30 U.S.C. 815(c)(2), shall allege that the violation or imminent danger took place in or involves a mine that has products which enter commerce or has operations or products that affect commerce. Jurisdictional facts that are alleged are deemed admitted unless specifically denied in a responsive pleading.

(b) How to file. Unless otherwise provided for in the Act, these rules, or by order, filing may be accomplished in person, by U.S. Postal Service, by third-party commercial carrier, by facsimile transmission, or by electronic transmission. Instructions for electronic filing may be accessed on the Commission's Web site (*http://www.fmshrc.gov*).

(c) *Where to file.* Unless otherwise provided for in the Act, these rules, or by order:

(1) *Filing by electronic transmission.* A document may be filed by electronic transmission with the Commission and its Judges. Instructions for electronic filing may be accessed on the Commission's Web site (*http://www.fmshrc.gov*).

(2) Filing in person, by U.S. Postal Service, by third-party commercial carrier, or by facsimile transmission—(i) Before a Judge has been assigned. Before a Judge has been assigned to a case, all documents shall be filed with the Commission. Documents filed with the Commission shall be addressed to the Executive Director and mailed or delivered to the Docket Office, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW., Suite 520N, Washington, DC 20004–1710; facsimile delivery shall be transmitted to (202) 434–9954.

(ii) *After a Judge has been assigned.* After a Judge has been assigned, and before a decision has been issued, documents shall be filed with the Judge at the address set forth on the notice of the assignment.

(iii) *Interlocutory review.* Documents filed in connection with interlocutory review shall be filed with the Commission in accordance with § 2700.76.

(iv) *After a Judge has issued a final decision.* After the Judge has issued a final decision, documents shall be filed with the Commission as described in paragraph (c)(2)(i) of this section.

(d) *Necessary information.* All documents shall be legible and shall

clearly identify on the cover page the filing party by name. All documents shall be dated and shall include the assigned docket number, page numbers, and the filing person's address, business telephone number, cell telephone number if available, fax number if available, and email address if available. Written notice of any change in contact information shall be given promptly to the Commission or the Judge and all other parties.

(e) *Privacy considerations.* Persons submitting information to the Commission shall protect information that tends to identify certain individuals or tends to constitute an unwarranted intrusion of personal privacy in the following manner:

(1) All but the last four digits of social security numbers, financial account numbers, driver's license numbers, or other personal identifying numbers, shall be redacted or excluded;

(2) Minor children shall be identified only by initials;

(3) If dates of birth must be included, only the year shall be used;

(4) Parties shall exercise caution when filing medical records, medical treatment records, medical diagnosis records, employment history, and individual financial information, and shall redact or exclude certain materials unnecessary to a disposition of the case.

(f) *Effective date of filing.* Unless otherwise provided for in the Act, these rules, or by order:

(1) *Filing by electronic transmission.* When filing is by electronic transmission, filing is effective upon successful receipt by the Commission. The electronic transmission shall be in the manner specified by the Commission's Web site (*http://www.fmshrc.gov*).

(2) *Filing in person, by U.S. Postal Service, by third-party commercial carrier, or by facsimile transmission.* When filing is by U.S. Postal Service, filing is effective upon mailing, except that the filing of a motion for extension of time, any document in an emergency response plan dispute proceeding, a petition for review of a temporary reinstatement order, a motion for summary decision, a petition for discretionary review, and a motion to exceed page limit is effective only upon receipt. See §§ 2700.9(a), 2700.24(d), 2700.45(f), 2700.67(a), 2700.70(a), (f), and 2700.75(f). When filing is in person, by third-party commercial carrier, or by facsimile, filing is effective upon successful receipt by the Commission.

(g) *Number of copies.* Unless otherwise ordered or stated in this part, only the original of a document shall be filed.

(h) *Form of pleadings.* All documents, including those filed electronically, shall appear in at least 12-point type on paper 8½ by 11 inches in size, with margins of at least 1 inch on all four sides. Text and footnotes shall appear in the same size type. Text shall be double spaced. Headings and footnotes may be single spaced. Quotations of 50 words or more may be single spaced and indented left and right. Excessive footnotes are prohibited. The failure to comply with the requirements of this paragraph or the use of compacted or otherwise compressed printing features may be grounds for rejection of a pleading.

(i) *Citation to a decision of a Judge.* Each citation to a decision of a Judge should include "(ALJ)" at the end of the citation.

(j) *Status or informational requests.* Information concerning filing requirements, the status of cases, or docket information may be accessed through the Commission's Web site (*http://www.fmshrc.gov*). In the event such information is unavailable through the Commission's Web site or the requesting party does not have access to the Web site, such status or informational requests must be directed to the Docket Office of the Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW., Suite 520N, Washington, DC 20004–1710.

■ 4. Section 2700.6 is revised to read as follows:

§ 2700.6 Signing of documents.

(a) *Signature*—(1) *Documents not filed by electronic transmission.* A party or representative of the party shall sign a document by handwriting his signature.

(2) *Documents filed by electronic transmission.*

(i) A party or representative of the party may sign a document by including the notation "/s/" followed by the typewritten name of the party or representative of the party filing the document.

(ii) A party or representative of the party may sign a document by including a graphical duplicate of his handwritten signature.

(b) *Meaning of Signature.* A document or signature may not be denied legal effect or enforceability solely because it is in electronic form. When a party or representative of the party signs a document in the manner described in paragraph (a) of this section, that person's signature shall constitute his certificate:

(1) That under the provisions of the law, including these rules and all federal conflict of interest statutes, he is authorized and qualified to represent the particular party in the matter; and

(2) That he has read the document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

■ 5. Section 2700.7 is revised to read as follows:

§ 2700.7 Service.

(a) *Generally.* A copy of each document filed with the Commission shall be served on all parties. Whenever a party is represented by an attorney or other authorized representative who has entered an appearance on behalf of such party pursuant to § 2700.3, service thereafter shall be made upon the attorney or other authorized representative. In addition, a copy of a notice of contest of a citation or order, a petition for assessment of penalty, a discrimination complaint, a complaint for compensation, and an application for temporary relief shall be served upon the representative of miners, if known.

(b) *Posting.* A copy of an order, citation, notice, or decision required under section 109 of the Act, 30 U.S.C. 819, to be posted on a mine bulletin board shall, upon receipt, be immediately posted on such bulletin board by the operator.

(c) *Manner of service.* Unless otherwise provided for in the Act, these rules, or by order:

(1) *Methods of service.* Documents may be served in person, by U.S. Postal Service, by third-party commercial carrier, by facsimile transmission, or by electronic transmission (email). For documents filed pursuant to §§ 2700.9(a), 2700.24, 2700.45, 2700.70(f), 2700.75(f), and subpart F (applications for temporary relief), the method of service used must be no less expeditious than that used for filing, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or facsimile transmission, resulting in same-day delivery.

(2) *Effective date of service.* When service is by U.S. Postal service, service is effective upon mailing. When service is in person, by third-party commercial carrier, by facsimile transmission, or by electronic transmission (email), service is effective upon successful receipt by the party intended to be served.

(d) *Proof of service.* All pleadings and other filed documents shall be accompanied by a certification setting forth the date, method of service, and all contact information used.

■ 6. Section 2700.8 is revised to read as follows:

§ 2700.8 Computation of time.

Unless otherwise provided for in the Act, these rules, or by order, the due date for a pleading or other deadline for party or Commission action (hereinafter "due date") is determined sequentially as follows:

(a) Except to the extent otherwise provided herein (see, e.g., §§ 2700.24 and 2700.45), when the period of time prescribed for action is less than 11 days, Saturdays, Sundays, and federal holidays shall be excluded in determining the due date.

(b) When a party serves a pleading by a method of delivery resulting in other than same-day service, the due date for party action in response is extended 5 additional calendar days beyond the date otherwise prescribed, after consideration of paragraph (a) of this section where applicable.

(c) The day from which the designated period begins to run shall not be included in determining the due date. The last day of the prescribed period for action, after consideration of paragraphs (a) and (b) of this section where applicable, shall be included and be the due date, unless it is a Saturday, Sunday, federal holiday, or other day on which the Commission's offices are not open or the Commission is open but unable to accept filings, in which event the due date shall be the next day which is not one of the aforementioned days.

(d) The time of filing with the Commission shall be determined using Washington, DC, local time. For filing by electronic means and by facsimile transmission, the due date ends at midnight Washington, DC, local time. For filing by other means, the due date ends at 5:00 p.m. Washington, DC, local time.

Example 1: A motion is filed with the Commission on Monday, July 1, 2013. Under § 2700.10(d), other parties in the proceeding have 8 days in which to respond to the motion. Because the response period is less than 11 days, intervening weekends and holidays, such as Thursday, July 4, 2013, are excluded in determining the due date. A response is thus due by Friday, July 12, 2013. In addition, those parties not served with the motion on the day it was filed have 5 additional calendar days in which to respond, or until Wednesday, July 17, 2013.

Example 2: A Commission Judge issues his final decision in a case on Friday, July 5, 2013. Under § 2700.70(a), parties have until August 4, 2013, to file with the Commission a petition for discretionary review of the Judge's decision. Even though the decision was mailed, 5 additional calendar days are not added, because paragraph (b) of this section only applies to actions in response to parties' pleadings. However, because August 4, 2013, is a Sunday, the actual due date for the petition is Monday, August 5, 2013.

Example 3: Pursuant to § 2700.24(a), the Secretary of Labor files a referral of a citation arising out of a dispute over the content of an operator's emergency response plan. Certain subsequent deadlines in such cases are specifically established by reference to calendar days, and thus paragraph (a) of this section would not necessarily apply in determining due dates. For instance, if the referral was filed on Thursday, July 11, 2013, the short and plain statement the operator must file in response within 5 calendar days would be due Tuesday, July 16, 2013, because the intervening weekend days would not be excluded in determining the due date. If the fifth calendar day were to fall on a weekend, holiday, or other day on which the Commission is not open however, the terms of paragraph (c) would apply and the due date would be the next day the Commission is open.

■ 7. Section 2700.9 is amended by revising paragraph (a) to read as follows:

§ 2700.9 Extensions of time.

(a) The time for filing or serving any document may be extended for good cause shown. Filing of a motion requesting an extension of time is effective upon receipt. A motion requesting an extension of time shall be received no later than 3 days prior to the expiration of the time allowed for the filing or serving of the document, and shall comply with § 2700.10. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

* * * * *

■ 8. Section 2700.24 is amended by revising paragraph (d) to read as follows:

§ 2700.24 Emergency response plan dispute proceedings.

* * * * *

(d) *Filing and service of pleadings.* The filing with the Commission of any document in an emergency response plan dispute proceeding, including the referral, is effective upon receipt. A copy of each document filed with the Commission in such a proceeding shall be served on all parties and on any miner or miners' representative who has participated in the emergency response plan review process by a method of service no less expeditious than that used for filing, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

* * * * *

■ 9. Section 2700.31 is amended by revising paragraph (d) to read as follows:

§ 2700.31 Penalty settlement.

* * * * *

(d) *Filing and service of motion accompanied by proposed order*—(1) *Electronic filing.* A motion and proposed order shall be filed electronically according to the requirements set forth in this rule and instructions on the Commission's Web site (*http://www.fmshrc.gov*). Filing is effective upon successful receipt by the Commission.

(i) *Signatures.* Any signature line set forth within a motion to approve settlement submitted electronically shall include the notation "/s/" followed by the typewritten name of the party or representative of the party filing the document, or by the graphical duplicate of the handwritten signature of the party or representative of the party filing the document. Such representation of the signature shall be deemed to be the original signature of the representative for all purposes unless the party representative shows that such representation of the signature was unauthorized. *See* 29 CFR 2700.6.

(ii) *Status of documents.* A motion and proposed order filed electronically constitute written documents for the purpose of applying the Commission's procedural rules (29 CFR part 2700), and such rules apply unless an exception to those rules is specifically set forth in this rule.

(2) *Filing by non-electronic means.* A party may file a motion to approve settlement and an accompanying proposed order by non-electronic means only with the permission of the Judge.

(3) *Service.* A settlement motion and proposed order shall be served on all parties or, if parties are represented, upon their representatives, by the most

expeditious method possible and at least five business days before the motion and proposed order are filed with the Commission. If a party cannot be served by email, facsimile transmission, or commercial delivery, a copy of the motion and proposed order may be served by mail. A certificate of service shall accompany the motion and proposed order setting forth the date, method of service, and all contact information used.

* * * * *

■ 10. Section 2700.45 is amended by revising paragraphs (a), (b), and (f) to read as follows:

§ 2700.45 Temporary reinstatement proceedings.

(a) *Service of pleadings.* A copy of each document filed with the Commission in a temporary reinstatement proceeding shall be served on all parties by a method of service as expeditious as that used for filing, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

(b) *Contents of application.* An application for temporary reinstatement shall state the Secretary's finding that the miner's discrimination complaint was not frivolously brought and shall be accompanied by an affidavit setting forth the Secretary's reasons supporting his finding. The application also shall include a copy of the miner's complaint to the Secretary, and proof of notice to and service on the person against whom relief is sought by the most expeditious method of notice and delivery reasonably available.

* * * * *

(f) *Review of order.* Review by the Commission of a Judge's written order granting or denying an application for temporary reinstatement may be sought by filing with the Commission a petition, which shall be captioned "Petition for Review of Temporary Reinstatement Order," with supporting arguments, within 5 business days following receipt of the Judge's written order. The filing of any such petition is effective upon receipt. The filing of a petition shall not stay the effect of the Judge's order unless the Commission so directs; a motion for such a stay will be granted only under extraordinary circumstances. Any response shall be filed within 5 business days following service of a petition. Pleadings under this rule shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery. The Commission's ruling on a petition shall be made on the basis of the petition and any response (any further briefs will be entertained only at the express direction of the Commission), and shall be rendered within 10 calendar days following receipt of any response or the expiration of the period for filing such response. In extraordinary circumstances, the Commission's time for decision may be extended.

* * * * *

■ 11. Section 2700.46 is amended by adding a new paragraph (d) to read as follows:

§ 2700.46 Procedure.

* * * * *

(d) *Service of pleadings.* A copy of each document filed with the Commission under subpart F of this part must be served on all parties by a means of delivery no less expeditious than that used for filing, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

■ 12. Section 2700.70 is amended by revising paragraph (f) to read as follows:

§ 2700.70 Petitions for discretionary review.

* * * * *

(f) *Motion for leave to exceed page limit.* A motion requesting leave to exceed the page limit shall be received not less than 3 days prior to the date the petition for discretionary review is due to be filed, shall state the total number of pages proposed, and shall comply with § 2700.10. Filing of a motion requesting an extension of page limit is effective upon receipt. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

* * * * *

■ 13. Section 2700.75 is amended by revising paragraph (f) to read as follows:

§ 2700.75 Briefs.

* * * * *

(f) *Motion for leave to exceed page limit.* A motion requesting leave to exceed the page limit for a brief shall be received not less than 3 days prior to the date the brief is due to be filed, shall state the total number of pages proposed, and shall comply with § 2700.10. Filing of a motion requesting an extension of page limit is effective upon receipt. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

* * * * *

Dated: December 9, 2013.

Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0980]

RIN 1625–AA00

Eighth Coast Guard District Annual Safety Zones; New Year's Eve Celebration/City of Mobile; Mobile Channel; Mobile, AL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will enforce the City of Mobile New Year's Eve Celebration safety zone in the Mobile Channel, Mobile, AL from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014. This safety zone has been implemented in past years but the fireworks display will move to a new location in the Mobile Channel beginning with the December 31, 2013 display. This safety zone is necessary for the safeguard of participants and spectators, including all crews, vessels, and persons on navigable waters during the City of Mobile New Year's Eve Celebration fireworks display. During the enforcement period, entry into, transiting or anchoring in the Safety Zone is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Mobile or a designated representative.

DATES: The safety zone is effective from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email LT Stanley A. Tarrant, Coast Guard Sector Mobile, Waterways Management Division; telephone (251) 441–5940, email *Stanley.A.Tarrant@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
COTP Captain of the Port

A. Regulatory History and Information

Through a direct final rulemaking with a request for comments, the Coast Guard amended and updated the safety zones under 33 CFR 165.801 to incorporate the numerous recurring safety zones related to events and fireworks displays held on or around navigable waters within the Eighth Coast Guard District. No comments to the direct final rule were received and the May 30, 2012 effective date for the amendments and updates was confirmed in the **Federal Register** (77 FR 28766) on May 16, 2012. The City of Mobile New Year's Eve Celebration and safety zone was included in that update as a safety zone under 33 CFR 165.801; Table 1, Table No. 150; Sector Mobile No. 9. This temporary final rule changes the location where the safety zone will be enforced.

The Coast Guard is issuing this temporary final rule without a full 30 days notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. On November 5, 2013 the Coast Guard received notice that the City of Mobile would be putting on its New Year's Eve Celebration fireworks display at a new location located approximately one-half mile from the location listed in the current safety zone under 33 CFR 165.801. This notice did not allow for the full NPRM process. The New Year's Eve Celebration and fireworks display has been and continues to be advertised to the local communities; therefore, delaying or foregoing the safety zone to provide notice and comment opportunity for a minimal change in location would be unnecessary and impracticable. Additionally, making the new location permanent will be part of an upcoming rulemaking updating the safety zones listed in 33 CFR 165.801. That rulemaking will offer notice and opportunity to comment on updates to this and other recurring safety zones for future occurrences.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than a full 30 days after publication in the **Federal Register**.

B. Basis and Purpose

This temporary final rule is issued under authority of 5 U.S.C. 552(a); 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1. The City of Mobile applied for a Marine Event permit on November 5, 2013 related to the vessels and navigational needs resulting from and supporting their annual New Year's Eve Celebration fireworks display. The location for the 2013 display differs from the location listed in 33 CFR 165.801; Table 1, Table No. 150; Sector Mobile No. 9. The new 2013 location is in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park. This location replaces the published coordinates found in 33 CFR part 165.801; Table 1. The COTP Mobile will establish and enforce a safety zone extending 200 yards in all directions from the fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park to protect persons and vessels during the City of Mobile New Year's Eve Celebration fireworks display.

The COTP anticipates minimal impact on vessel traffic due to this change of location. However, this safety zone is deemed necessary for the protection of life and property within the COTP Mobile zone.

C. Discussion of the Temporary Final Rule

The Coast Guard will enforce a Safety Zone for the annual City of Mobile New Year's Eve Celebration fireworks display listed in 33 CFR 165.801 Table 1, Table No. 150; Sector Mobile, No. 9 from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014. The safety zone will include all waters extending 200 yards in all directions from the fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park.

Under the provisions of 33 CFR 165.801, entry into the safety zone listed above is prohibited unless authorized by the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or pass through the Safety Zone must request permission from the Captain of the Port or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative.

In addition to this temporary final rule in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period and location via Local Notice to Mariners and Marine Information Broadcasts.

If the COTP Mobile or a designated representative determines that the safety zone need not be enforced for the full duration stated in this rule, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This rule establishes a temporary safety zone extending 200 yards in all directions from a fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014. The impacts on navigation will be limited to ensuring the safety of persons and vessels in the area during the fireworks display.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule is in place for one hour on New Year's Eve, 2013. Notifications to the marine community will be made through Local Notice to Mariners and Marine Information Broadcasts.

Notices of changes to the safety zone and effective times will also be made as necessary. Deviation from the restrictions may be requested from the COTP Mobile or designated representative and will be considered on a case-by-case basis.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a categorical exclusion determination will be made available as indicated under the **ADDRESSES** section.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L.

107–295. 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–0980 is added to read as follows:

§ 165.T08–0980 Safety Zone; New Year's Eve Celebration/City of Mobile; Mobile Channel; Mobile, AL.

(a) *Location.* The following area is a safety zone: All waters extending 200 yards in all directions from the fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park.

(b) *Effective dates.* This safety zone is effective and enforceable from 11:30 p.m. December 31, 2013 until 12:30 a.m. January 1, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

(2) Persons or vessels desiring to enter into or passage through the zone must request permission from the Captain of the Port Mobile or a designated representative. They may be contacted on VHF–FM channels 16 or by telephone at 251–441–5976.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative.

(d) *Informational Broadcasts.* The Captain of the Port or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

Dated: November 27, 2013.

S. Walker,

Captain, U.S. Coast Guard, Captain of the Port Mobile.

[FR Doc. 2013–30382 Filed 12–20–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 130214139–3542–02]

RIN 0648–XD027

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit from the default limit of one large medium or giant BFT to two large medium or giant BFT for the January 2014 subquota period ((i.e., from January 1 through March 31, 2014, or until the available subquota for the period is reached, whichever comes first). This action is based on consideration of the regulatory determination criteria regarding inseason adjustments, and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

DATES: Effective January 1, 2014, through March 31, 2014.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The 2010 ICCAT recommendation regarding western BFT management resulted in baseline U.S. quotas for 2011 and for 2012 of 923.7 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). Among other things, the 2011 BFT quota rule (76 FR 39019, July 5, 2011) implemented the base quota of 435.1 mt for the General category fishery (a commercial tunas fishery in which handgear is used). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. As published in the final 2013 BFT quota specifications (78 FR 36685, June 19, 2013), the baseline General category subquotas as codified have not been modified, and include 23.1 mt for the January subquota period. The 2013 ICCAT recommendation regarding western BFT management does not result in changes to the baseline U.S. quota or subquotas for 2014.

Unless changed, the General category daily retention limit starting on January 1 would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit would apply to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT.

For the January 2013 subquota period, NMFS adjusted the General category limit from the default level of one large medium or giant BFT to two large medium or giant BFT (77 FR 74612, December 17, 2012). That retention limit was effective from January 1, 2013, until February 15, 2013, when NMFS closed the fishery because the January subquota had been met (78 FR 11788, February 20, 2013). For the June through December 2013 periods, NMFS adjusted the limit to three large medium or giant BFT (78 FR 26709, May 8, 2013, and 78 FR 50346, August 19, 2013), and subsequently adjusted the limit to five large medium or giant BFT for November 27 through December 31, 2013 (78 FR 72584, December 3, 2013).

Adjustment of General Category Daily Retention Limit

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable

opportunity to harvest a portion of the category's quota; and review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds.

NMFS has considered these criteria and their applicability to the General category BFT retention limit for the January 2014 subquota period. These considerations include, but are not limited to, the following:

Biological samples collected from BFT landed by General category fishermen and provided by BFT dealers continue to provide NMFS with valuable data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. This action would be taken consistent with the quotas previously implemented and analyzed in the 2011 BFT quota final rule (76 FR 39019, July 5, 2011), consistent with the objectives of the 2006 Consolidated HMS FMP. This action will not have impacts beyond those already analyzed and thus is not expected to negatively impact the stock. A principal consideration is the objective of providing opportunities to harvest the full General category quota without exceeding it based upon the 2006 Consolidated HMS FMP goal: "Consistent with other objectives of this FMP, to manage Atlantic HMS fisheries for continuing optimum yield so as to provide the greatest overall benefit to the Nation, particularly with respect to food production, providing recreational opportunities, preserving traditional fisheries, and taking into account the protection of marine ecosystems." For the last two years, the available January subquota was reached on February 15, 2013, and January 22, 2012. However, in other recent years, there has been an underharvest of the January subquota. Under the two-fish limit that applied during January 2011 and January 2010 (when fishing on the January subquota was authorized for January 1 through 31), January landings were 34 percent of the baseline subquota (7.9 mt out of 23.1 mt) and 11 percent (2.7 mt out of 23.8 mt), respectively. Thus, the default one-fish limit likely would be overly restrictive and would not support the objective of providing opportunities to harvest the full January subquota without exceeding it. Based upon the ICCAT recommended quota, the baseline 2013 General category January subquota is 23.1 mt. Although NMFS has the authority to set the daily retention limit to up to five fish, under a higher limit (and higher fish availability), the rate of harvest of the January subquota could be accelerated and result in a relatively short fishing season. A short fishing season may preclude or reduce fishing opportunities for some individuals or geographic areas. Therefore, in order to maintain an equitable distribution of fishing opportunities, a retention limit closer to the low end of the allowable range of retention limits (i.e., two fish) is warranted. A potential ancillary benefit of a subquota period that is open for an extended duration is that any scientific information (including biological samples) collected from BFT may be from fish collected over a broader temporal and geographic range than currently sampled. Lastly, fishery participants have supported this retention limit in prior seasons.

Therefore, based on these considerations, NMFS has determined that a two-fish General category retention limit is warranted for the January subquota. It would provide a reasonable opportunity to harvest the U.S. quota of BFT without exceeding it, while maintaining an equitable distribution of fishing opportunities, help achieve optimum yield in the General category BFT fishery, allow collection of a broad range of data for stock monitoring purposes, and be consistent with the objectives of the Consolidated HMS FMP. Therefore, NMFS increases the General category retention limit from the default limit (one) to two large medium or giant BFT per vessel per day/trip, effective January 1, 2014, through March 31, 2014, or until the 23.1-mt January subquota is harvested, whichever comes first.

Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example (and specific to the retention limit for the January 2014 subquota period), whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of two fish may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels fishing commercially for BFT.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely through the mandatory dealer landing reports, which NMFS requires to be submitted within 24 hours of a dealer receiving BFT. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustment or closure is necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas.

Closures or subsequent adjustments to the daily retention limits, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, or access *hmspermits.noaa.gov*, for updates on quota monitoring and retention limit adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of the species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to adjust the retention limit for the portion of the General category season that begins January 1, 2014, is impracticable as NMFS needs to wait until it has necessary data and information about the fishery before it can select the appropriate retention limit for a time period prescribed by regulation. By the time NMFS has the necessary data, implementing the retention limit following a public comment period would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria. Analysis of available data shows that the General category BFT retention limits may be increased with minimal risks of exceeding the ICCAT-allocated quota.

Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may exacerbate the problem of low catch rates and of quota rolling from one time period to the next. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP. Adjustment of the retention limit needs to be effective January 1, 2014, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing

opportunities for fishermen in geographic areas with access to the fishery only during this time period (due to the seasonality of BFT distribution). Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: December 17, 2013.

Sean F. Corson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–30366 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 246
Monday, December 23, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 870

RIN 3206–AM96

Federal Employees' Group Life Insurance Program: Options B and C

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is proposing to amend the Federal Employees' Group Life Insurance (FEGLI) regulations to provide an election opportunity for employees enrolled in FEGLI Option B and Option C. This new procedure replaces the procedure by which FEGLI enrollees elect the allowable multiples of coverage they wish to continue during retirement or while receiving compensation.

DATES: Comments are due on or before February 21, 2014.

FOR FURTHER INFORMATION CONTACT: Ronald Brown, Policy Analyst, (202) 606–0004, or by email to *Ronald.Brown@opm.gov*.

SUPPLEMENTARY INFORMATION: On October 30, 1998, Public Law 105–311, 112 Stat. 2950, was signed into law. This law, the Federal Employees Life Insurance Improvement Act, changed many parts of the FEGLI Program. Before the enactment of Public Law 105–311, Option B and C coverage began to reduce for annuitants when they reached age 65. Both coverages were reduced by 2% per month until there was no coverage left. This reduction was automatic, and annuitants had no choice about it.

Public Law 105–311 allows an annuitant to make an election at retirement as to whether or not he/she wants Option B and Option C coverage to reduce. (This also applies to persons becoming insured as compensationers.)

Previous FEGLI regulations provided that shortly before an individual's 65th birthday, he/she would receive a reminder notice, showing what coverage the annuitant/compensationer elected and what the premiums would be for coverage beyond age 65. The individual then had an opportunity to change his/her election, including choosing to have some multiples of Optional insurance reduced and others not reduced. For a person already over age 65 at the time of retirement or becoming insured as a compensationer, the reminder notice was sent as soon as the retirement processing was completed.

On October 1, 2010, OPM published FEGLI final regulations (75 FR 60573) with miscellaneous changes, clarifications, and corrections, ending the election opportunity at age 65. OPM has further reviewed the changes made to 5 CFR 870.705(b) and 870.705(d) that required that any employee separating for retirement or becoming insured as a compensationer elect the number of multiples of Option B and Option C insurance he or she wants to continue by making an election at the time of retirement or at the time he or she becomes insured as a compensationer.

In light of OPM policy to expand the options available under the FEGLI program and the comments received in response to our October 1, 2010 ruling, we are reversing this regulation so that the post-65 election for FEGLI Option B and Option C will be made at the time the enrollee attains age 65. We are restoring this election opportunity in order to allow enrollees expanded flexibility to choose among several retirement coverage levels beginning at age 65.

Changes

Public Law 105–311, the Federal Employees Life Insurance Improvement Act, 112 Stat. 2950, enacted October 30, 1998, amended chapter 87 of title 5, U.S. Code, to allow a retiring employee to elect either No Reduction or Full Reduction for his/her Option B and Option C coverage. This election was to be made at the time of retirement, the same as the election for Basic insurance. Implementing this provision required programming changes to the electronic records system for an annuitant to allow for "mixed" elections, *i.e.*, electing reductions for some coverage but not for other coverage. While these system changes were being made, an annuitant was required to elect either No Reduction or Full Reduction for Option B and Option C coverage at the time of retirement. Then, shortly before the annuitant's 65th birthday, the insured was given a second opportunity to make another election, this time being allowed to choose No Reduction for some multiples and Full Reduction for others. While the law states that the election must be made at the time of retirement, enrollees affected by this provision have expressed interest in having a second election. Thus, we are restoring the opportunity for a second election at age 65. This change can be found in section 870.705(b) and 870.705(d).

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only affects life insurance benefits of Federal employees and retirees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 870

Administrative practice and procedure, Government employees, Life insurance, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

For the reasons stated in the preamble, OPM proposes to amend 5 CFR part 870 as follows:

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

■ 1. The authority citation for 5 CFR part 870 is revised to read as follows:

Authority: 5 U.S.C. 8716; Subpart J also issued under section 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; Sec. 870.302(a)(3)(ii) also issued under section 153 of Pub. L. 104–134, 110 Stat. 1321; Sec. 870.302(a)(3) also issued under sections 11202(f), 11232(e), and 11246(b) and (c) of Pub. L. 105–33, 111 Stat. 251, and section 7(e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 870.302(a)(3) also issued under section 145 of Pub. L. 106–522, 114 Stat. 2472; Secs. 870.302(b)(8), 870.601(a), and 870.602(b) also issued under Pub. L. 110–279, 122 Stat. 2604; Subpart E also issued under 5 U.S.C. 8702(c); Sec. 870.601(d)(3) also issued under 5 U.S.C. 8706(d); Sec. 870.703(e)(1) also issued under section 502 of Pub. L. 110–177, 121 Stat.

2542; Sec. 870.705 also issued under 5 U.S.C. 8714b(c) and 8714c(c); Public Law 104–106, 110 Stat. 521.

Subpart G—Annuitants and Compensationers

■ 2. Amend § 870.705 by revising paragraph (b)(3)(ii), adding paragraph (b)(4), and revising paragraph (d)(1)(i) to read as follows:

§ 870.705 Amount and election of Option B and Option C.

* * * * *

(b) * * *

(3) * * *

(ii) Except as provided in paragraph (b)(4) of this section, after reaching age 65, an annuitant or compensationer cannot change from Full Reduction to No Reduction.

(4)(i) Shortly before an annuitant or compensationer's 65 birthday, the retirement system will send a reminder about the election he/she made and will offer the individual a chance to change the election. At that time, the annuitant or compensationer can choose to have some multiples of Option B and Option C reduce and some not reduce.

(ii) If the individual is already 65 or older at the time of retirement or becoming insured as a compensationer, the retirement system will send the reminder and give the opportunity to change the election as soon as the retirement processing or compensation transfer is complete.

(iii) If the individual assigned his/her insurance as provided in subpart I of this part, and if the employee elected No Reduction for Option B coverage at the time of retirement or becoming insured as a compensationer, the retirement system will send the reminder notice for Option B coverage to the assignee.

(iv) An annuitant or compensationer who wishes to change his/her reduction election must return the notice by the end of the month following the month in which the individual turns 65, or if already over age 65, by the end of the 4th month after the date of the letter. An annuitant or compensationer who does not return the election notice will keep his/her initial election.

* * * * *

(d)(1) * * *

(i) Annuitants and compensationers who were under age 65 were notified of the option to elect No Reduction. The retirement system will send these individuals an actual election notice before their 65th birthday, as provided in paragraph (b)(4) of this section.

* * * * *

[FR Doc. 2013–30415 Filed 12–20–13; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 894

RIN 3206–AM57

Federal Employee Dental and Vision Insurance Program; Qualifying Life Event Amendments

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a Notice of Proposed Rulemaking to change some conditions under which Federal employees may change an enrollment status under the Federal Employee Dental and Vision Insurance Program. OPM is proposing these changes to expand the opportunities for FEDVIP enrollment changes and therefore better align FEDVIP with the Federal Employees Health Benefits (FEHB) Program.

DATES: *Comment date:* Comments are due on or before February 21, 2014.

ADDRESSES: You may submit comments, identified by RIN number "3206–AM57" using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Planning and Policy Analysis, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Michael W. Kaszynski.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, Senior Policy Analyst at *mwkaszyn@opm.gov* or (202) 606–0004.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a Notice of Proposed Rulemaking to change some of the requirements for Federal employees to make enrollment changes under the Federal Employee Dental and Vision Insurance Program (FEDVIP). OPM is proposing these changes to expand the opportunities for FEDVIP enrollment changes and therefore better align FEDVIP with the Federal Employees Health Benefits (FEHB) Program.

The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 provided OPM the opportunity to establish arrangements under which supplemental dental and vision benefits were made available to federal employees, retirees, and their family members.

FEDVIP is available to eligible Federal and Postal employees, retirees, and their eligible family members on an enrollee-pay-all basis. This program allows dental and vision insurance to be purchased on a group basis with competitive premiums and no pre-existing condition limitations. Premiums for enrolled federal and postal employees are withheld from salary on a pre-tax basis.

Enrollment takes place during the annual Federal Benefits Open Season in November and December of each year. New and newly eligible employees can enroll within 60 days after they become eligible.

Eligible individuals can enroll in a dental plan and/or a vision plan. Individuals may enroll in a plan for Self-only, Self plus one, or Self and family coverage. The rules for family members' eligibility are the same as they are for the FEHB Program.

OPM is proposing to expand enrollment opportunities so FEDVIP enrollees can make enrollment changes under the same qualifying life events (QLEs) as enrollees under the FEHB Program. This Notice of Proposed rulemaking is intended to authorize this change.

Regulatory Impact Analysis

OPM has examined the impact of this proposed rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule is not considered a major rule because there will be a minimal impact on costs to Federal agencies.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only adds flexibility to the current enrollment process.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative

impact on the rights, roles and responsibilities of State, local, or tribal governments.

List of Subjects in 5 CFR Part 894

Administrative practice and procedure, Employee benefit plans, Government employees, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM proposes to amend 5 CFR part 894 as follows:

PART 894—FEDERAL EMPLOYEE DENTAL AND VISION PROGRAM

■ 1. The authority citation for part 894 continues to read as follows:

Authority: 5 U.S.C. 8962; 5 U.S.C. 8992; subpart C also issued under sec. 1 of Pub. L. 110–279, 122 Stat. 2604.

Subpart A—Administration and General Provisions

■ 2. Section 894.101 is amended by removing the definition of *QLE* and adding in its place a definition of *QLE qualifying life event* to read as follows:

§ 894.101 Definitions.

* * * * *

QLE qualifying life event means an event in this part 894 that permits an enrollment change and also includes all applicable QLEs defined in 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

* * * * *

Subpart E—Enrolling and Changing Enrollment

■ 3. Section 894.502 is amended as follows:

§ 894.502 What are the Qualifying Life Events (QLEs) that allow me to enroll?

QLEs allowing enrollment in FEDVIP include the QLEs described in this part 894 and include applicable QLEs in 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

■ 4. Section 894.507 is amended by adding new paragraph (c) to read as follows:

§ 894.507 After I'm enrolled, may I change from one dental or vision plan or plan option to another?

* * * * *

(c) Outside of open season, you may change from one dental and/or vision plan to another plan or one plan option to another option if you have experienced a QLE. QLEs for dental and vision coverage are described in this part 894 and 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

■ 5. Section 894.508 is amended by revising paragraph (e) to read as follows:

§ 894.508 When may I increase my type of enrollment?

* * * * *

(e) QLEs for dental and vision coverage are described in this part 894 and 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

[FR Doc. 2013–30413 Filed 12–20–13; 8:45 am]

BILLING CODE 6325–63–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Doc. No. AMS–FV–13–0082; FV14–981–1 CR]

Almonds Grown in California; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of almonds in California to determine whether they favor continuance of the marketing order that regulates the handling of almonds grown in California.

DATES: The referendum will be conducted from February 18 through March 7, 2014. To vote in this referendum, growers must have produced almonds in California during the period of August 1, 2012, through July 31, 2013.

ADDRESSES: Copies of the marketing order may be obtained from the California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture, 2202 Monterey Street, Suite 102B, Fresno, California, 93721–3129, or the Office of the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237, or internet: *regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Maria Stobbe, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Maria.Stobbe@ams.usda.gov* or *Martin.Engeler@ams.usda.gov*, respectively.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 981 (7 CFR part 981), hereinafter referred to as the "order," and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act," it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted from February 18 through March 7, 2014, among eligible California almond growers. Only current growers that were also engaged in the production of almonds in California during the period of August 1, 2012, through July 31, 2013, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the order if fewer than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of California almonds represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, USDA will consider the results of the continuance referendum and other relevant information regarding operation of the order. USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been approved by the Office of Management and Budget (OMB), under OMB No. 0581–0178, Almonds Grown in California. It has been estimated that it will take an average of 10 minutes for each of the approximately 6,400 growers of California almonds to cast a ballot. Participation is voluntary. Ballots postmarked after March 7, 2014, will not be included in the vote tabulation.

Martin Engeler and Maria Stobbe of the California Marketing Field Office, Fruit and Vegetable Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the "Procedure for

the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400–900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents or from their appointees.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: December 17, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–30391 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Document Number AMS–FV–13–0042]

Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on adding the State of Arkansas as a primary peanut-producing State under the Peanut Promotion, Research, and Information Order (Order). The Order is administered by the National Peanut Board (Board) with oversight by the U.S. Department of Agriculture (USDA). Under the Order, primary peanut-producing States must maintain a 3-year average production of at least 10,000 tons of peanuts. Arkansas's peanut production meets this requirement. Primary peanut-producing States also have a seat on the Board, and this proposal would also add a seat on the Board for the State of Arkansas. The Board recommended this action to ensure that the Board's representation reflects changes in the geographical distribution of the production of peanuts.

DATES: Comments must be received by January 22, 2014.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the Internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeanètte Palmer, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, Stop 0244, 1400 Independence Avenue SW., Room 1406–S, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued under the Order (7 CFR part 1216). The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act)(7 U.S.C. 7411–7425).

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a "non-significant regulatory action" under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act, a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposed rule invites comments on adding the State of Arkansas as a primary peanut-producing State under the Order. The Order is administered by the Board with oversight by USDA. This proposal would also add a seat on the Board for the State of Arkansas. Under the Order, primary peanut-producing States must maintain a 3-year average production of at least 10,000 tons of peanuts. Arkansas's peanut production meets this requirement. Primary peanut-producing States also have a seat on the Board. This action would ensure that the Board's representation reflects changes in the geographical distribution of the production of peanuts covered under the Order.

The Order became effective on July 30, 1999. Under the Order, the Board administers a nationally-coordinated program of promotion, research, and information designed to strengthen the position of peanuts in the market place and to develop, maintain, and expand the demand for peanuts in the United States. Under the program, all peanut producers pay an assessment of one percent of the total value of all farmers' stock peanuts. The assessments are remitted to the Board by handlers and, for peanuts under loan, by the Commodity Credit Corporation.

The Order distinguishes between the terms "minor peanut-producing states" and "major peanut-producing states" for purposes of Board representation and voting at meetings. Section 1216.21 defines primary peanut-producing States as Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas and Virginia. These States must maintain a 3-year average production of at least 10,000 tons of peanuts. All other peanut-producing States are defined as minor peanut-producing States, pursuant to section 1217.15.

As specified in section 1216.40(a), the Board is composed of 11 producer members and their alternates: One member and alternate from each primary peanut-producing State, and one at-large member and alternate collectively from the minor peanut-producing States. The members and alternates are nominated by producers or producer groups.

Pursuant to section 1216.40(b) of the Order, at least once in each five-year period, the Board must review the geographical distribution of peanuts in the United States and make a recommendation to the Secretary of Agriculture (Secretary) to continue without change or whether changes should be made in the number of representatives on the Board to reflect changes in the geographical distribution of the production of peanuts.

Board Recommendation

As required by the Order, the Board met on April 9–10, 2013, and reviewed the geographical distribution of peanuts. According to data from the USDA's Federal State Inspection Service, for the years 2010, 2011, and 2012, 1,357, 6,092, and 38,866 tons of peanuts were inspected in Arkansas, respectively. Based on this data, the 3-year average annual peanut production for Arkansas totals 15,438 tons per year (46,315 divided by 3) which exceeds the requirement set in the Order of maintaining a 3-year rolling average of 10,000 tons per year to become a major peanut-producing State. (Data from USDA's National Agricultural Statistics Service (NASS) was not available at the time of the Board's review because Arkansas had not produced enough peanuts annually to be recorded. NASS plans to record peanut production for Arkansas in the near future.)

Based on Federal State Inspection Service data, the Board voted, with one member opposed, to add Arkansas as a primary peanut-producing State under the Order. The member opposed expressed concern that Arkansas did not produce 10,000 tons per year for three consecutive years, similar to when the Order was amended to add Mississippi as a primary peanut-producing State (73 FR 39214; July 9, 2008). However, the Order does not require that a State produce 10,000 tons per year for three consecutive years to be a primary peanut-producing State. In addition, USDA's Federal State Inspection Service summary for 2013 tonnage reports Arkansas peanut production to date at 11,121 tons. This shows that Arkansas peanut production has maintained its production levels above 10,000 tons. This action would also add a producer member and alternate on the Board from the State of Arkansas.

These changes would help ensure that the Board's representation reflect changes in the geographical distribution of the production of peanuts. Accordingly, this proposed rule would amend sections 1216.15 and 1216.21 of the Order to classify the State of Arkansas as a primary peanut-producing State. This proposal would also revise sections 1216.40(a) and 1216.40 (a)(1) of the Order to specify that the Board would be composed of 12 peanut producer members and their alternates rather than 11.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR Part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (handlers) as those having annual receipts of no more than $7.0 million.

According to the Board, there were approximately 9,208 producers and 29 handlers of peanuts who were subject to the program in 2012.

Most producers would be classified as small businesses under the criteria established by the SBA. USDA's NASS reports that the farm value of the peanuts produced in the top 10 States in the years 2010, 2011, and 2012 was $939 million, $1.169 billion, and $2.309 billion, respectively; the 3-year average crop value was $1.472 billion. With a 2012 crop value of $2.309 billion, average peanut sales per producer were approximately $251,000. With a 2010–2012 average crop value of $1.472 billion, average peanut sales per producer was approximately $160,000.

The average peanut crop value per handler for 2010–2012 ranged from about $32 million to $80 million. This is many times larger than the $7 million SBA threshold and is thus an indication that most of the handlers would not be classified as small businesses.

The quantity of U.S. peanut production from the 10 major peanut-producing States for 2010, 2011, and 2012 was 4.157 billion pounds, 3.659 billion pounds, and 6.741 billion pounds, respectively; the 3-year average crop quantity was 4.852 billion pounds. NASS reports that Georgia was the largest producer (48 percent of the 3-year average quantity), followed by Alabama (13 percent), Florida (12 percent), Texas (9 percent), North Carolina (7 percent), South Carolina (6 percent), Mississippi (2 percent), Virginia (1 percent), Oklahoma (1 percent) and New Mexico (less than 1 percent). According to the 2007 Census of Agriculture, small amounts of peanuts were also grown in six other States.

If the number of peanut producers (9,208) is divided into the total U.S. production for 2012 (6.741 billion), the resulting average peanut production per producer is approximately 732,000 pounds. If divided by the 3-year average production for 2010–2012 (4.852 billion), the resulting average is approximately 527,000 pounds per producer.

This proposal would amend sections 1216.15 and 1216.21 of the Order to classify the State of Arkansas as a primary peanut-producing State. The Order is administered by the Board with oversight by USDA. This proposal would also amend section 1216.40(a)(1) to add a seat on the Board for the State of Arkansas. Under the Order, primary peanut-producing States must maintain a 3-year average production of at least 10,000 tons of peanuts. Arkansas's peanut production meets this requirement. Primary peanut-producing States also have a seat on the Board. This action would ensure that the Board's representation reflects changes in the geographical distribution of the production of peanuts covered under the Order. This action is authorized under section 1216.40(b) of the Order and Section 515(b)(3) of the 1996 Act.

Regarding the economic impact of this proposed rule on affected entities, this action would impose no costs on producers and handlers. The changes would define the State of Arkansas as a primary peanut-producing State based on recent production data and add a

seat on the Board for the State of Arkansas.

With regard to alternatives, the Board reviewed the peanut distribution for all the minor peanut-producing States, and determined that Arkansas was the only current minor State that met the Order's requirement for a 3-year average peanut production of at least 10,000 tons.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the background form, which represents the information collection and recordkeeping requirements that may be imposed by this proposed rule, was previously approved under OMB control number 0505–0001.

Adding a producer member and alternate member representing the State of Arkansas for the Board means that four additional producers would be required to submit background forms to USDA in order to be considered for appointment to the Board. Four producers would be affected because two names must be submitted to the Secretary for consideration for each position on the Board (two members and two alternates). The public reporting burden is estimated to increase by an average 0.5 hours per response for each of the four producers. This additional burden would be included in the existing information collections approved for use under OMB control number 0505–0001. The estimated annual cost of providing the information by the four producers would be $66.00 or $16.50 per producer. However, serving on the Board is optional, and the burden of submitting the background form would be offset by the benefits of serving on the Board.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In regards to outreach efforts, the Board discussed Arkansas peanut production level at its November 27–30, 2012, meeting. The Board notified the major peanut-producing States (Georgia, Alabama, Florida, Texas, North Carolina, South Carolina, Mississippi, Virginia, Oklahoma, and New Mexico) of Arkansas production numbers by disseminating information through the Board's weekly newsletter which is titled *News in a Nutshell*. The Board also sent out notification about Arkansas' increased production numbers to the peanut industry through its *Peanut Quarterly* newsletter. In addition, Arkansas's increased production numbers in the year 2012 to present date were widely published in trade publications. The Board met in April 2013 and recommended adding the State of Arkansas as a primary peanut-producing State. All of the Board's meetings are open to the public and interested persons are invited to participate and express their views.

We have performed this initial RFA regarding the impact of this proposed action on small entities and we invite comments concerning potential effects of this action on small businesses.

While this proposed rule set forth below has not yet received the approval of USDA, it has been determined that it is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate so that the proposed amendments, if adopted, may be implemented for the next nomination process which begins early in spring 2014. If this process is not in effect by spring 2014, then Arkansas would not have representation on the Board until the year 2015. All written comments received in response to this proposed rule will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1216 is proposed to be amended as follows:

PART 1216—PEANUT PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1216 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Section 1216.15 is revised to read as follows:

§ 1216.15 Minor peanut-producing states.

Minor peanut-producing states means all peanut-producing states with the exception of Alabama, Arkansas, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia.

■ 3. Section 1216.21 is revised to read as follows:

§ 1216.21 Primary peanut-producing states.

Primary peanut-producing states means Alabama, Arkansas, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia, *Provided*, these states maintain a 3-year average production of at least 10,000 tons of peanuts.

■ 4. Section 1216.40, paragraph (a) introductory text and (a)(1) are revised to read as follows:

§ 1216.40 Establishment and membership.

(a) *Establishment of a National Peanut Board.* There is hereby established a National Peanut Board, hereinafter called the Board, composed of no more than 12 peanut producers and alternates, appointed by the Secretary from nominations as follows:

(1) *Eleven members and alternates.* One member and one alternate shall be appointed from each primary peanut-producing state, who are producers and whose nominations have been submitted by certified peanut producer organizations within a primary peanut-producing state.

* * * * *

Dated: December 17, 2013.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2013–30416 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2009–0017]

RIN 0579–AD41

Importation of Beef From a Region in Brazil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grosso

do Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantins). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met. This action would provide for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

DATES: We will consider all comments that we receive on or before February 21, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2009-0017-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2009–0017, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0017* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Silvia Kreindel, Senior Staff Veterinarian, Regional Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 851–3313.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, classical swine fever, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations contains criteria for recognition by the Animal and Plant Health Inspection Service (APHIS) of foreign regions as free of rinderpest or free of both rinderpest and FMD. Section 94.11 restricts the importation of ruminants and swine and their meat and certain other products from regions that are declared free of rinderpest and FMD but that nonetheless present a disease risk because of the regions' proximity to or trading relationships with regions affected with rinderpest or FMD. Regions APHIS has declared free of FMD and/or rinderpest, and regions declared free of FMD and rinderpest that are subject to the restrictions in § 94.11, are listed on the APHIS Web site at *http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml.*

APHIS considers rinderpest or FMD to exist in all regions of the world not listed as free of those diseases on the Web site. On November 16, 2010, we published in the **Federal Register** (75 FR 69851–69857, Docket No. APHIS–2009–0034) a final rule that, among other things, recognized the Brazilian State of Santa Catarina as free of rinderpest and FMD. APHIS does not consider the rest of Brazil to be free of FMD because Brazil vaccinates against FMD.

With few exceptions, the regulations prohibit the importation of fresh (chilled or frozen) meat of ruminants or swine that originates in or transits a region where FMD is considered to exist. One such exception is beef and ovine meat [1] from Uruguay. The regulations allow the importation of fresh beef and ovine meat from Uruguay into the United States provided that the following additional conditions have been met:

- The meat is beef or ovine meat from animals born, raised, and slaughtered in Uruguay.
- Foot-and-mouth disease has not been diagnosed in Uruguay within the previous 12 months.
- The meat comes from bovines or sheep that originated from premises where FMD had not been present during the lifetime of any bovines or sheep slaughtered for the export of beef and ovine meat to the United States.
- The meat comes from bovines or sheep that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.
- The meat comes from bovines or sheep that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.
- The meat consists only of bovine or ovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. The bovine and ovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.
- All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.
- The meat has not been in contact with meat from regions other than those listed in the regulations as free of rinderpest and FMD.
- The meat comes from carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH of below 6.0 the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.
- An authorized veterinary official of the Government of Uruguay certifies on the foreign meat inspection certificate that the above conditions have been met.
- The establishment in which the bovines and sheep are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

In response to a request from the Government of Brazil that we allow fresh (chilled or frozen) beef to be imported into the United States from a region within that country, we conducted a risk analysis of that region, which can be viewed on the Internet on the Regulations.gov Web site or in our reading room.[2] For the risk analysis, we evaluated information provided by Brazil's Ministry of Agriculture, Livestock and Food Supply (MAPA) in accordance with § 92.2 regarding the country's FMD status, reviewed published scientific literature, and conducted five site visits to the proposed exporting region. We concluded that Brazil has infrastructure

[1] The provisions allowing the importation of ovine meat from Uruguay were added in a final rule published in the **Federal Register** (78 FR 68327–68331) on November 14, 2013, and effective on November 29, 2013.

[2] Instructions on accessing Regulations.gov and information on the location and hours of the reading room may be found at the beginning of this document under **ADDRESSES**. You may also request paper copies of the risk analysis by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT**.

and emergency response capabilities adequate to effectively contain and eradicate FMD in the event of an outbreak and to comply with U.S. import restrictions on products from affected areas. Based on the evidence documented in our recent risk assessment, we believe that fresh (chilled or frozen) beef can be safely imported from the region in Brazil composed of the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantins, provided certain conditions are met. Accordingly, we are proposing to amend the regulations in § 94.22 to allow the importation of fresh beef from that region in Brazil. Under this proposed rule, fresh beef from that region of Brazil would be subject to the same import conditions under § 94.22 as beef and ovine meat from Uruguay.

In this proposed rule, we are also giving notice that we would add Brazil to the list of regions that we recognize as free of rinderpest, which can be viewed at *http://www.aphis.usda.gov/import_export/animals/animal_import/animal_imports_rinderpest.shtml*. Historically, rinderpest virus has never become established in North America, Central America, the Caribbean Islands, or South America. A brief incursion into Brazil occurred in 1921 but was limited in scope and quickly eradicated.

Miscellaneous

Our proposed addition of the exporting region of Brazil to the regulations in § 94.22 necessitates a few minor editorial changes to § 94.1, where, currently, reference is made to the importation of fresh beef and ovine meat from Uruguay under § 94.22.

Risk Analysis

Drawing on data submitted by the Government of Brazil and observations from our site visits to the region under consideration, we have conducted a risk analysis of the animal health status of that region relative to FMD. Our risk analysis was conducted according to the eight factors identified in § 92.2, "Application for recognition of the animal health status of a region": The scope of the evaluation being requested, veterinary control and oversight, disease history and vaccination practices, livestock demographics and traceability, epidemiological separation from potential sources of infection, surveillance, diagnostic laboratory capabilities, and emergency preparedness and response.[3]

A summary evaluation of each factor is discussed below. Based on our analysis of these factors, we have determined that fresh (chilled or frozen), maturated, deboned beef can be safely imported into the United States from this region in Brazil.

Scope of the Evaluation Being Requested

We conducted our risk analysis in response to an official request from Brazil that APHIS allow the importation of fresh (chilled or frozen), maturated, deboned beef into the United States from a designated region consisting of 14 Brazilian States. The region includes the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins.

Given the history of FMD in Brazil and the fact that Brazil vaccinates its cattle population in most States against FMD, APHIS conducted this risk analysis to evaluate the potential for FMD introduction and establishment through importation of beef from Brazil. Data and background information were obtained from Brazilian animal health officials. Much of the supporting information for this analysis consists of records obtained from MAPA. In addition, APHIS conducted five site visits to Brazil, in 2002, 2003, 2006, 2008, and 2013, to verify and complement the information provided by Brazil.

Veterinary Control and Oversight

APHIS reviewed Brazil's FMD control and eradication program during its site visits in 2002, 2003, 2006, 2008, and 2013, and concluded that the program is effective at the local and national levels. We determined that MAPA could detect disease quickly, limit its spread, and report it promptly. This capacity was in evidence in the FMD outbreaks in 2005 and 2006, when the cases were quickly identified, disease was contained, and international authorities were notified in a timely manner.

APHIS considers that MAPA has sufficient legal authority to carry out official control, eradication, and quarantine activities. MAPA has a system of official veterinarians and support staff in place for carrying out field programs and for import controls and animal quarantine. Field activities are coordinated through the State Agricultural Secretariat offices. Review of veterinary infrastructure with MAPA officials demonstrated an infrastructure adequate for rapid detection of FMD and for carrying out surveillance and eradication programs. Field offices appeared to be adequately staffed for the regions covered. The technical infrastructure is adequate, and advanced technologies are utilized in conducting several animal health programs, including the FMD program. Import controls are sufficient to protect international borders at principal crossing points, and sufficient controls exist to prevent the introduction of international waste into the country. Field personnel appeared to be adequately trained in or to have had some experience with clinical signs of FMD. It is expected that they would suspect FMD if they were to see clinical signs of it. With regard to indemnity procedures, we concluded that sufficient funds may be available to compensate owners for depopulated animals and that indemnity provisions can be extended to exposed animals. Generally, we were favorably impressed with the census information, coverage of premises in the export region, the recordkeeping for individual premises, the control of vaccination, and the movement controls documented at the local level.

Disease History and Vaccination Practices

Outbreaks of FMD occurred in the Brazilian States of Rio Grande Do Sul in 2000–2001 and in Paraná and Matto Grosso do Sul in 2005–2006. In the course of evaluating the potential disease risk posed by importation of fresh beef from the export region into the United States, we did not detect any evidence to suggest that active outbreaks of FMD exist in the proposed exporting region.

Vaccination of cattle and buffalo is mandatory in the proposed export region. Other species are not vaccinated on a regular basis in Brazil. Vaccination coverage was reported to range between 76 and 99.9 percent in the export region.

The vaccine used is an inactivated, trivalent, oil-based vaccine. All FMD vaccines produced or used in Brazil must be tested for quality and safety by the official service. Quality control tests

[3] Prior to 2012, § 92.2(b) listed 11 factors. In 2012, APHIS consolidated the 11 factors into 8 in order to simplify the regulations and facilitate the application process. Since the evaluation of the proposed exporting region of Brazil began before the consolidation, however, the risk assessment follows the 11-factor format. The topics addressed by the 11 factors are encapsulated in the 8. Appendix II of the risk assessment describes the similarities between the 8 and 11 factors. Observations and information collected during the site visits were considered in the risk assessment as well.

of each batch of the vaccine are conducted in two laboratories, located in Recife (Pernambuco State) and Porto Alegre, and strictly follow international standards as set by the World Organization for Animal Health (OIE).

We concluded that Brazil conducts its FMD vaccine production programs appropriately and in accordance with international standards. There is a system of controls to ensure compliance with vaccination calendars through matching vaccination records to movement permits and census data, and through field inspections. There is also a system in place for levying fines for noncompliance.

Livestock Demographics and Traceability

Agriculture in Brazil supports the economy, and agricultural commodities constitute 37 percent of total exports. The domestic animal population consists of 183,000,000 cattle, 1,100,000 buffaloes, 14,800,000 sheep, 12,100,000 goats, and 33,000,000 pigs. Of these amounts, 84 percent of the cattle population and the premises that hold them are located within the proposed export area.

We did not identify significant risk pathways that would cause us to consider commercial operations in the proposed export region as a likely source for introducing FMD into the United States. The larger commercial operations are likely to be the source of beef exports from the export region. APHIS considers the beef industry in the export region to be well-organized and committed to the production of quality product and to preventing FMD outbreaks.

Brazil has an efficient and effective traceability system, which includes a voluntary national identification system for cattle and buffalo being exported to different countries, including the European Union (EU). A unique 17-digit identification code is given to each animal and is registered in a national database managed by MAPA. The use of this national identification system enhances Brazil's ability to certify the origin of animals entering the export channels.

The auction system in the country is well-organized and tightly controlled by the official service. In addition, there is no evidence to suggest that major movements of animals into export channels occur through the auction system.

Adequate controls and inspection measures exist at slaughter facilities in Brazil. Ante-mortem and post-mortem inspections are carried out satisfactorily. APHIS evaluated pH controls, maturation, and deboning procedures at three plants in the proposed export zone that export to the EU and elsewhere. Every carcass destined for the EU is tested to ensure that the pH is not greater than 5.9, which is the EU requirement. If greater, the carcass is diverted to local consumption. APHIS examined maturation records and verified actual rejected and approved seals. APHIS considers pH testing and calibration of pH meters to be critical mitigation measures in assessing the risk of importing the FMD virus in beef from Brazil.

The biosecurity measures applied at the facilities APHIS visited were adequate, and there is a high level of awareness of and compliance with these measures. In addition, processing facilities are integrated within these operations and are under adequate official control and inspection.

We concluded that Brazil has adequate control of inspection activities in slaughter facilities and can certify compliance with our import requirements. A comparable system for control of commercial shipments also exists and is considered adequate to control import and export of beef products.

Epidemiological Separation From Potential Sources of Infection

Adjacent regions that were considered in our risk analysis were an affected zone in Brazil adjacent to the export region and the neighboring countries of Paraguay, Uruguay, Bolivia, and Argentina. The most recent outbreak in the adjacent region of Brazil occurred in June 2004 in the State of Pará, Monte Alegre district. APHIS does not consider the countries of South America to be FMD-free, with the exception of Chile. Outbreaks have occurred in Argentina, Uruguay, and Paraguay, all countries that had been classified by the OIE as "free without vaccination" or "free with vaccination" prior to the outbreaks. FMD has not been eradicated from Colombia, Bolivia, Ecuador, Venezuela, and Peru.

There is a history of introduction of disease into Brazil from neighboring countries (2000–2002). According to Brazilian officials, illegal movement of animals from neighboring countries, as well as mechanical transmission of the virus resulted in introducing the disease into Brazil. In 2000 and 2001, Brazil became vulnerable to the introduction of the disease due its presence in Argentina. Brazil successfully instituted emergency measures in 2002 when an outbreak occurred in Paraguay near its border with Brazil. Similar actions in 2003 appear to have resulted in preventing the introduction of the disease from Argentina and Paraguay and in 2011 from Paraguay. APHIS concluded that as long as FMD is endemic in the overall region in South America, there is a risk of reintroduction from adjacent areas into the proposed exporting region.

Domestic movement controls within Brazil are stringent. MAPA requires that all cattle owners identify their animals with a unique brand. Sheep and swine are identified by a brand in the ear. There is a system of permits in place to control animal movement, which works well at the local level. Movement controls are linked to vaccination records, and vaccination coverage in the export region evaluated by APHIS is relatively high, as noted above.

There is good cooperation between Brazilian Federal agencies and their international counterparts at land border crossings. At some border locations, authorities from Brazil and the neighboring countries were present, which increased efficiency and effectiveness in controlling movement of animals and animal products.

Movement controls at international land checkpoints appear to be adequate. Movement control measures and biosecurity at airports and seaports were impressive.

APHIS attempts to target the riskiest border crossings (and other areas) during site visits as an example of a type of "maximized risk scenario," in order to address similar, but theoretically lower, risks in the remainder of the export region. APHIS assumes that if the riskiest pathways are sufficiently mitigated, the overall spectrum of risk issues should be acceptable. Using this assumption and visiting the areas of highest risk in the export region, APHIS concluded that movement control measures for live animals are relatively robust at both domestic and international checkpoints.

Surveillance

The animal health service in Brazil has a surveillance system that covers all national territory. All official service field staff, community participants, and private sector veterinarians are trained and required to look for signs of vesicular diseases. If FMD is suspected, it must be immediately reported to the local unit or to the veterinary authority that would notify the local unit. Cattle and buffaloes are inspected every 6 months by vaccinators and official veterinarians, when the bovines gather in corrals for vaccination. Local veterinary unit personnel carry out special visits to certain herds that are classified as "risky" by the official

service. Animals are individually inspected by personnel from the official service for signs of vesicular disease before slaughtering. Other body parts, including the tongue and feet, are examined during post-mortem inspection. All animals coming into fairs, auctions, or exhibitions are clinically inspected by the official veterinarians. The clinical inspection of animals in transit is carried out at checkpoints and border control points by official personnel. The conditions under which animals move are based on the sanitary status of the State of origin or the country sharing borders with the export region.

Brazil has a two-phase surveillance system that effectively uses active and passive surveillance. Phase I relies on active surveillance to document freedom from disease. Active surveillance is carried out by means of targeted sero-epidemiological surveys in specific "high-risk" areas within the zone that the Brazilian Department of Animal Health considers FMD-free. The surveys aim to prove that the zone remains free of viral activity. Serological testing is also conducted whenever there is a suspicion of disease. Phase II begins once freedom from infection has been established. The main goals in this phase are to prevent the reintroduction of the disease, maintain good sanitary conditions, and provide technical grounds to demonstrate the continual absence of disease and viral activity in the zone. Passive surveillance is the primary type employed in Phase II, although active surveillance is also used. Passive surveillance activities include observations made during: (1) Animal movement control activities and trade of animal products, (2) farm inspections, (3) slaughterhouse inspection, and (4) inspections during livestock fairs. Data on the above activities are collected annually. Passive surveillance takes advantage of the community structure in Brazil and relies heavily on the participation of the community. Brazilian animal health officials have carefully and methodically thought about each component of their surveillance system, and their two-stage cluster sampling design is appropriate, efficient, scientifically valid, and simple to implement. All technical aspects of that design were addressed properly.

Observations made during recent site visits to Brazil led APHIS to conclude that the Brazilians were particularly effective in their FMD educational campaigns and that the country's FMD eradication strategy and surveillance practices have been fully communicated, understood, and embraced by all animal health officials in the country. This was evident by the high degree of consistency in implementation and execution of the program at every local veterinary unit visited. In addition, the serological surveillance plan, updated in August 2010, appears well designed and executed.

Diagnostic Laboratory Capabilities

MAPA has four laboratories under its direct supervision that perform diagnostic tests for FMD and other vesicular diseases. These laboratories are located in the States of Rio Grande do Sul, Pará, Minas Gerais, and Pernambuco. In addition, the Pan-American Foot-and-Mouth Disease Center Laboratory (PANAFTOSA) in Rio de Janeiro is the reference laboratory for FMD in Brazil and neighboring countries. At the time of our 2013 site visit, only the laboratory in Pará processed infectious material. PANAFTOSA's laboratory work involving any infectious material is performed at the Pará laboratory.

Based on laboratory site visits conducted in 2002, 2008, and 2013, we concluded that Brazil has the diagnostic capability to adequately test samples for the presence of the FMD virus. The laboratories in Rio Grande do Sul, Pará, Minas Gerais, and Pernambuco have adequate quality control activities; adequate laboratory equipment, which is routinely monitored and calibrated; sufficient staff; and an effective and efficient recordkeeping system for storage and retrieval of data. The tests used to investigate evidence of viral activity are consistent with OIE guidelines. The staff members at the facilities visited in 2002, 2008, and 2013 were well-trained and motivated. Samples are turned around quickly.

Emergency Preparedness and Response

Brazil's efficient and effective traceability system is an important component of its emergency response capacity. As noted above, Brazil uses a voluntary national identification system, which includes individual animal identification numbers, for cattle and buffalo that are destined for export. In addition, Brazil uses a mandatory identification system to track the entire animal population of the country by lot. That system proved to be extremely effective during the 2005–2006 FMD outbreaks in the traceback of all contacts.

Brazil relies heavily on community notification of FMD outbreaks, as that tends to be the most efficient way to locate disease. Once notification occurs, the Federal contingency plan for FMD is extensive and thorough, and a significant degree of necessary autonomy is built in at the State level.

APHIS concluded that adequate legal authority, funding, personnel, and resources exist at both the State and Federal levels to carry out emergency response measures. The emergency response is both rapid and effective, as shown following the FMD outbreaks in Rio Grande do Sul in 2000–2001 and Mato Grosso do Sul and Parana in 2005–2006.

The above findings are detailed in the risk analysis document summarized above. The risk analysis explains the factors that have led us to conclude that fresh (chilled or frozen) beef may be safely imported from a region of Brazil under the conditions enumerated above. It also establishes that Brazil has adequate veterinary infrastructures in place to prevent, control, and manage FMD and outbreaks. Therefore, we are proposing to amend § 94.22 to allow the importation of fresh beef from a region of Brazil under the conditions described above.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

This proposed rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also provides an initial regulatory flexibility analysis that examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect

on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

This proposed rule would amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil composed of the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins.

Effects of the proposed rule are estimated using a partial equilibrium model of the U.S. agricultural sector. Economic impacts are estimated based on interactions among the grain, livestock, and livestock product sectors. Annual imports of fresh (chilled or frozen) beef from Brazil are expected to range between 20,000 and 65,000 metric tons (MT), with volumes averaging 40,000 MT. Quantity, price, and welfare changes are estimated for these three import scenarios. The results are presented as average annual effects for the 5-year period 2014–2018. The model indicates that about two-thirds of the beef imported from Brazil would displace beef that would otherwise be imported from other countries. Thus, the net increase in beef imports would correspond to about one-third of the quantity supplied by Brazil under each of the three scenarios.

The model shows that if the United States were to import 40,000 MT of beef from Brazil, total U.S. beef imports would increase by less than 1 percent. Due to the increase in supply, it is estimated that the wholesale price of beef, the retail price of beef, and the price of cattle (steers) would decline by 0.11 percent, 0.04 percent, and 0.14 percent, respectively. Changes in U.S. beef production, consumption, and exports in response to these very small price declines would be inconsequential: Beef production would decrease by 0.01 percent, beef consumption would increase by 0.06 percent, and beef exports would increase by 0.11 percent. The 20,000 MT and 65,000 MT import scenarios show similarly small quantity and price effects.

The fall in beef prices and resulting decline in U.S. production would translate into reduced returns for producers in the livestock and beef processing sectors. Under the 40,000 MT import scenario, cattle producers and beef processors are estimated to incur declines in welfare of 0.68 percent and 0.14 percent, respectively.

The shift by consumers to beef due to the price decline would cause downward pressure on the prices of pork and other meats. The largest of these market declines, though still very small, would be for swine and pork. It is estimated for the 40,000 MT import scenario that the welfare of swine producers and pork processors would decline by 0.02 percent and 0.01 percent, respectively.

The decline in beef prices because of imports from Brazil would benefit consumers. It is estimated for the 40,000 MT import scenario that the welfare of beef consumers would increase by 0.16 percent. Consumers of pork and other animal products would benefit negligibly.

The model indicates that, when the gains of beef consumers and the losses of producers are accounted for, the net welfare gain would be equivalent to about $185 million, whereas pork producer welfare losses would slightly outweigh pork consumer gains. For all modeled sectors, the net welfare change would be positive, with consumer gains of $354 million outweighing producer losses of $165 million.

Welfare effects for the 20,000 MT and 65,000 MT import scenarios are similar to those described. For all three scenarios, welfare gains are shown to be greater than welfare losses, with the net benefits increasing broadly in proportion to the quantity of beef imported from Brazil. The greater the volume of imports, the greater the welfare benefits would be for consumers and the greater the losses for producers.

While most of the establishments affected by this rule would be small entities, based on the results of this analysis, APHIS does not expect the impacts to be significant. APHIS welcomes information that the public may provide regarding potential economic effects of the proposed rule.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the importation of fresh (chilled or frozen) beef from a region in Brazil, we have prepared an environmental assessment. The environmental assessment was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment may be viewed on the Regulations.gov Web site or in our reading room. (A link to Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2009–0017. Please send a copy of your comments to: (1) Docket No. APHIS–2009–0017, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

Currently, APHIS allows imports of fresh (chilled or frozen) beef and ovine meat from Uruguay, provided that the meat is imported subject to conditions specified in 9 CFR 94.22. Under § 94.22, APHIS must collect information, prepared by an authorized certified official of the Government of Uruguay, certifying that specific conditions for importation have been met.

This proposed rule would allow the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins) under the same conditions currently applied to Uruguay.

APHIS is asking OMB to approve its use of this information collection activity to facilitate its ability to ensure that beef products from Brazil can be imported safely into the United States.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Authorized veterinary officials employed by the Government of Brazil.

Estimated annual number of respondents: 1,606.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 1,606.

Estimated total annual burden on respondents: 1,606 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94–RINDERPEST, FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

■ 2. Section 94.1 is amended as follows:

■ a. In paragraph (b)(4), by removing the words "from Uruguay".

■ b. In paragraph (d), introductory text, by removing the words "from Uruguay".

■ 3. Section 94.22 is revised to read as follows:

§ 94.22 Restrictions on importation of fresh (chilled or frozen) beef from Brazil and fresh beef and ovine meat from Uruguay.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) beef from a region in Brazil composed of the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins, and fresh (chilled or frozen) beef and ovine meat from Uruguay may be exported to the United States under the following conditions:

(a) The meat is beef or ovine meat from animals that have been born, raised, and slaughtered in the exporting region of Brazil or in Uruguay.

(b) Foot-and-mouth disease has not been diagnosed in the exporting region of Brazil or in Uruguay within the previous 12 months.

(c) The meat comes from bovines or sheep that originated from premises where foot-and-mouth disease has not been present during the lifetime of any bovines and sheep slaughtered for the export of beef and ovine meat to the United States.

(d) The meat comes from bovines or sheep that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.

(e) The meat comes from bovines or sheep that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.

(f) The meat consists only of bovine parts or ovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. The bovine and ovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.

(g) All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.

(h) The meat has not been in contact with meat from regions other than those listed under § 94.1(a).

(i) The meat comes from carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.

(j) An authorized veterinary official of the government of the exporting region certifies on the foreign meat inspection certificate that the above conditions have been met.

(k) The establishment in which the bovines and sheep are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

Done in Washington, DC, this 13th day of December 2013.

Edward Avalos,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2013–30464 Filed 12–18–13; 8:45 am]

BILLING CODE 3410–34–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

RIN 3245–AG57

Small Business Investment Companies—Investments in Passive Businesses

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA) proposes to revise the regulations for the Small Business Investment Company (SBIC) program concerning investments in passive businesses. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958, as amended, as well as under SBIC program regulations. Currently these program regulations provide for exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through under certain limited circumstances. One such exception provides that an SBIC may make an investment in a passive small business that passes through the investment proceeds to one or more subsidiaries, each of which must be a non-passive small business. The proposed rule would modify this exception to allow an SBIC to structure an investment utilizing two passive small businesses as pass-through entities. This modification would place SBICs on an equal footing with their non-SBIC counterparts in the venture capital and private equity sectors, in which investments structured with two passive levels, are not uncommon.

This proposed rule also includes several technical corrections. Specifically, the proposed rule would update the regulations by replacing obsolete Standard Industrial Classification (SIC) codes with their equivalents under the North American Industrial Classification System (NAICS); correct erroneous paragraph cross-references; and modernize the options for meeting the record preservation requirements by removing the reference to "microfilm."

DATES: Comments on the proposed rule must be received on or before January 22, 2014.

ADDRESSES: You may submit comments, identified by RIN 3245–AG57, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail, Hand Delivery/Courier:* Pravina Raghavan, Deputy Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

SBA will post comments on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Carol Fendler, Investment Division, 409 Third Street SW., Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make the final determination of whether it will publish the information or not.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Office of Investment and Innovation, (202) 205–7559 or *sbic@sba.gov.*

SUPPLEMENTARY INFORMATION:

A. Passive Businesses

Section 107.720—Small Businesses That May Be Ineligible for Financing

The Small Business Investment Act of 1958, as amended, prohibits an SBIC from making passive investments. Accordingly, SBA promulgated 13 CFR 107.720(b), which states as a general rule that an SBIC is not permitted to finance a passive business. The regulation defines a business as passive if: (1) It is not engaged in a regular and continuous business operation; (2) its employees do not carry on the majority of day-to-day operations, and the company does not exercise day-to-day control and supervision over contract workers; or (3) the business passes through substantially all financing proceeds to another entity.

The current regulation provides exceptions to the general prohibition that allow SBICs to employ certain structures in which the direct recipient of financing is a passive business, but the end recipient is an active business. SBA is proposing to expand the exception set out in § 107.720(b)(2), which permits an SBIC to finance a passive Small Business (as defined in 13 CFR 107.50) if it passes through substantially all the proceeds to one or more "subsidiary companies, each of which is an eligible Small Business that is not passive." A subsidiary company is currently defined as one in which the financed passive business owns at least 50 percent of the outstanding voting securities. This exception allows, for example, an SBIC to provide financing to ABC Holdings, a passive Small Business, as long as the proceeds are passed through to and used by its subsidiary, ABC Manufacturing, a non-passive Small Business. SBA also interprets § 107.720(b)(2) to permit a financing to ABC Holdings that is used to acquire an ownership interest in ABC Manufacturing, which post-acquisition would be a subsidiary of ABC Holdings.

To summarize, current § 107.720(b)(2) allows an SBIC to finance a passive Small Business only if it passes the proceeds directly to one or more non-passive Small Business subsidiaries (or uses the proceeds to acquire one or more non-passive Small Businesses that will become its directly-owned subsidiaries). The proposed rule would modify the definition of a subsidiary company to allow financing proceeds to pass through a second passive business before reaching a non-passive subsidiary. Under proposed § 107.720(b)(2), a "subsidiary company" would be defined as one in which the passive business that receives financing from an SBIC owns at least 50 percent of the outstanding voting securities, either (1) as the direct owner of the subsidiary company, or (2) as the direct owner of a second passive Small Business, which in turn is the direct owner of the voting securities of the subsidiary. This revised definition would not change the requirement that a passive recipient of SBIC financing own at least 50% of the active business that ultimately receives the proceeds (or that the proceeds are used to acquire); rather it would allow for indirect ownership through a second passive Small Business.

Following is an example of a transaction structure that the proposed revision of § 107.720(b)(2) would permit: An SBIC proposes to provide financing to Newco, a newly-formed passive holding company, to help acquire an active Small Business, ABC Manufacturing Company ("ABC Mfg"). Newco will participate in the acquisition with other investors. The investor group forms passive ABC Acquisition Company ("ABC Acquisition"), with 50 percent of its voting securities being owned by Newco. ABC Acquisition acquires 100 percent of the voting securities of ABC Mfg. Post-acquisition, Newco owns 50 percent of the outstanding voting securities of ABC Mfg indirectly through its ownership of ABC Acquisition. Therefore, ABC Mfg qualifies as a subsidiary of Newco, and the proposed financing is permitted.

The proposed rule would allow SBICs to have greater flexibility in structuring transactions. Private equity and venture capital firms that are not SBICs may structure investments with two passive

levels for a number of reasons. For example:

1. In syndicated transactions involving a number of participants, a multi-level structure may make it easier to allocate income to different classes of investors.

2. Some transactions are structured with a mix of taxable and non-taxable entities to accommodate investors' varying needs.

3. Certain transactions involving the purchase of the stock of an S Corporation generally must be structured with two levels of passive entities in order to take advantage of favorable tax treatment under section 338(h)(10) of the Internal Revenue Code.

By putting SBICs on an equal footing with their non-SBIC counterparts in the venture capital and private equity sectors, the proposed rule may help to expand the resources available to Small Businesses through the SBIC program by attracting additional capital and qualified fund managers. At the same time, the proposed rule would continue to limit the complexity of transactions permitted by § 107.720(b)(2) by allowing no more than two passive levels. SBA notes that while a number of SBICs have voiced support for an expansion of the exception in current § 107.720(b)(2), none has indicated a need to structure transactions with more than two levels of passive holding companies.

B. Technical Changes to Regulations

Section 107.600—General Requirement of Licensee To Maintain and Preserve Records

The record-keeping requirements applicable to SBICs are found primarily in § 107.600. This section enumerates various types of records and the periods for which they must be preserved. The final paragraph of the section; § 107.600(c)(4), allows an SBIC to substitute "a microfilm or computer-scanned or generated copy" for any original paper record. The proposed rule would modernize this provision by deleting the reference to "microfilm" as a preservation medium.

Section 107.720—Small Businesses That May Be Ineligible for Financing

Real Estate Businesses. Under current § 107.720(c), an SBIC is not permitted to finance "any business classified under Major Group 65 (Real Estate) or Industry No. 1531 (Operative Builders) of the SIC Manual" with exceptions provided for certain business that provide services within the real estate industry (such as title abstract companies). The "SIC Manual" refers to the Standard Industrial Classification system formerly used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. In 1997, the Federal government replaced the SIC codes with the North American Industrial Classification System (NAICS).

The proposed rule would update 13 CFR 107.720(c) by replacing SIC codes with their 2012 NAICS equivalents. SBA's intention is to duplicate the existing general prohibitions and permitted exceptions as closely as possible. The following tables show each of the SIC codes referenced in the current regulation and the NAICS code that SBA proposes to replace it with:

CROSSWALK FROM SIC CODES TO NAICS CODES

SIC Code	NAICS Code
Prohibited Investments	
6512 Operators of nonresidential buildings	531120 Lessors of nonresidential buildings (except miniwarehouses)
6513 Operators of apartment buildings	531110 Lessors of residential buildings and dwellings
6514 Operators of dwellings other than apartment buildings.	
6515 Operators of residential mobile home sites	531190 Lessors of other real estate property
6517 Lessors of railroad property.	
6519 Lessors of real property, not elsewhere classified.	
6552 Land subdividers and developer, except cemeteries	237210 Land subdivision
1531. Operative builders	236117 New housing for-sale builders
	236118 Residential remodelers [1]
	236210 Industrial building construction [1]
	236220 Commercial and institutional building construction [1]

[1] An SBIC may not finance a Small Business classified under this code if such business is primarily engaged in construction or renovation of properties on its own account rather than as a hired contractor.

SIC Code	NAICS Code
Restricted Investments	
6531 Real estate agents and managers (establishments primarily engaged in renting, buying, selling, managing, and appraising real estate for others).	531210 Offices of real estate agents and brokers
	531311 Residential property managers
	531312 Nonresidential property managers
	531320 Offices of real estate appraisers
	531390 Other activities related to real estate
Permitted only if business derives at least 80% of its revenue from non-Affiliate sources.	Permitted only if business derives at least 80% of its revenue from non-Affiliate sources.

SIC Code	NAICS Code
Permitted Investments	
6541 Title abstract offices	541191 Title abstract and settlement offices

The only SIC code in the current regulation that does not correspond directly to one or more NAICS codes is 1531, "Operative builders." The SIC Manual described this industry as consisting of establishments primarily engaged in the construction (including renovation) of single-family houses and other buildings for sale on their own account rather than as contractors. The industry included speculative builders and condominium developers. The 2012 NAICS codes primarily use the term "for-sale builder" to describe businesses engaged in construction or renovation of buildings on their own account. However, except for those engaged in new housing construction (NAICS code 236117), for-sale builders are combined with contractors in three different NAICS codes, depending on whether they are engaged in residential remodeling (NAICS code 236118), manufacturing/industrial building construction (NAICS code 236210), or commercial/institutional building construction (NAICS code 236220). The proposed rule would prohibit an SBIC from providing financing to a Small Business classified under any of these three NAICS codes only if the company were primarily engaged in construction or renovation of buildings as a for-sale builder. Guidance provided by the United States Census Bureau indicates that the key distinction is whether a firm is engaged in construction on its own account, as opposed to having been hired as a contractor. For example, an SBIC would be permitted to provide financing to a firm that primarily renovates or builds additions to homes if the homeowners have contracted for the firm's services. However, a firm that primarily acquires homes to renovate and re-sell at its own risk is a for-sale remodeler that would not be eligible for financing by an SBIC.

Section 107.1150—Maximum Amount of Leverage for a Section 301(c) Licensee

Current § 107.1150(e), which sets forth leverage eligibility provisions for SBICs that make Energy Saving Qualified Investments (as defined in 13 CFR 107.50), erroneously refers to "paragraph (d)" instead of "paragraph (e). The proposed rule would correct these references.

Compliance With Executive Orders 12866, 12988 and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget has determined that this rule is not a "significant" regulatory action under Executive Order 12866. This is also not a "major" rule under the Congressional Review Act, 5 U.S.C. 801, *et seq.*

Executive Order 12988

This action meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or presumptive effect.

Executive Order 13132

The proposed rule would not have substantial direct effects on the States, or the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, Federalism, SBA determines that this proposed rule has no federalism implications warranting the preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this rule would not impose any new reporting or recordkeeping requirements.

Regulatory Flexibility Act, 5 U.S.C. 601–612

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare an Initial Regulatory Flexibility Act (IRFA) analysis which describes whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, § 605 of the RFA allows an agency to certify a rule, in lieu of preparing an IRFA, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule would affect all SBICs, of which there are currently close to 300. SBA estimates that approximately 75% of these SBICs are small entities. Therefore, SBA has determined that this proposed rule would have an impact on a substantial number of small entities. However, SBA has determined that the impact on entities affected by the rule would not be significant. The passive business provision would provide SBICs with additional flexibility to employ a transaction structure commonly used by private equity or venture capital funds that are not SBICs.

SBA asserts that the economic impact of the rule, if any, would be minimal and entirely beneficial to small SBICs. Accordingly, the Administrator of the SBA certifies that this rule would not have a significant impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 107

Investment companies, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Small Business Administration proposes to amend part 107 of title 13 of the Code of Federal Regulations as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 15 USC 681 et seq., 683, 687(c), 687b, 687d, 687g, 687m, Pub. L. 106–554, 114 Stat. 2763; and Pub. L.111–5, 123 Stat. 115.

§ 107.50 [Amended]

■ 2. Amend § 107.50 by removing the definition of "SIC Manual".

■ 3. Revise § 107.600(c)(4) to read as follows:

§ 107.600 General requirement for Licensee to maintain and preserve records.

* * * * *

(c) * * *

(4) You may substitute a computer-scanned or generated copy for the original of any record covered by this paragraph (c).

■ 4. Amend § 107.720 by revising paragraphs (b)(2) and (c)(1), and the introductory text of paragraph (c)(2) to read as follows:

§ 107.720 Small Businesses that may be ineligible for financing.

* * * * *

(b) * * *

(2) *Exception for pass-through of proceeds to subsidiary.* You may finance a passive business if it is a Small Business and it passes substantially all the proceeds through to one or more subsidiary companies, each of which is an eligible Small Business that is not passive. For the purpose of this paragraph (b)(2), "subsidiary company" means a company in which the Financed passive business either:

(i) Directly owns at least 50 percent of the outstanding voting securities, or

(ii) Indirectly owns at least 50 percent of the outstanding voting securities (by directly owning at least 50% of the

outstanding voting securities of another passive Small Business that is the direct owner of at least 50% of the outstanding voting securities of the subsidiary company).

* * * * *

(c) *Real Estate Businesses.* (1) You are not permitted to finance any business classified under North American Industry Classification System (NAICS) codes 531110 (lessors of nonresidential buildings except miniwarehouses), 531120 (lessors of residential buildings and dwellings), 531190 (lessors of other real estate property), 237210 (land subdivision), or 236117 (new housing for-sale builders). You are not permitted to finance any business classified under NAICS codes 236118 (residential remodelers), 236210 (industrial building construction), or 236220 (commercial and institutional building construction), if such business is primarily engaged in construction or renovation of properties on its own account rather than as a hired contractor. You are permitted to finance a business classified under NAICS codes 531210 (offices of real estate agents and brokers), 531311 (residential property managers), 531312 (nonresidential property managers), 531320 (offices of real estate appraisers), or 531390 (other activities related to real estate), only if such business derives at least 80 percent of its revenue from non-Affiliate sources.

(2) You are not permitted to finance a Small Business, regardless of NAICS classification, if the Financing is to be used to acquire or refinance real property, unless the Small Business:

* * * * *

■ 5. Amend § 107.1150 by revising paragraphs (e)(1), (e)(2)(iii), and (e)(2)(iv) to read as follows:

§ 107.1150 Maximum amount of Leverage for a Section 301(c) Licensee.

* * * * *

(e) *Additional Leverage based on Energy Saving Qualified Investments in Smaller Enterprises.* (1) Subject to SBA's credit policies, if you were licensed on or after October 1, 2008, you may have outstanding Leverage in excess of the amounts permitted by paragraphs (a) and (b) of this section in accordance with this paragraph (e). Any investment that you use as a basis to seek additional Leverage under this paragraph (e) cannot also be used to seek additional Leverage under paragraph (c) of this section.

* * * * *

(2) * * *

(iii) Subtract from your outstanding Leverage the lesser of (e)(2)(i) or (e)(2)(ii).

(iv) If the amount calculated in paragraph (e)(2)(iii) is less than the maximum Leverage determined under paragraph (a) of this section, the difference between the two amounts equals your additional Leverage availability.

Dated: November 14, 2013.

Jeanne Hulit,

Acting Administrator.

[FR Doc. 2013–30504 Filed 12–20–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1056; Directorate Identifier 2013–CE–046–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Luftfahrt GmbH Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Dornier Luftfahrt GmbH Models Dornier 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes that would supersede AD 2006–11–19. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as chafed or damaged wiring on the flight deck overhead panels (5VE and 6VE). We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by February 6, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Germany; telephone: +49 (0) 8153–30 2220; fax: +49 (0) 8153–30 4258; email: *custsupport.dornier228@ruag.com*; Internet: *http://www.ruag.com/en/Aviation/Aviation_Home.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching and locating Docket Number FAA–2013–1056; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2013–1056; Directorate Identifier 2013–CE–046–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov*, including any personal information you provide. We will also post a report summarizing each

substantive verbal contact we receive about this proposed AD.

Discussion

On May 24, 2006, we issued AD 2006–11–19, Amendment 39–14624 (71 FR 32268; June 5, 2006). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2006–11–19 (71 FR 32268; June 5, 2006), Dornier Luftfahrt GmbH changed the compliance time between repetitive inspections and incorporated those inspections into the Time Limits/Maintenance Checks Manual (TLMCM).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2013–0244, dated October 4, 2013 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> RUAG Aerospace Services GmbH issued Time Limits/Maintenance Checks Manual (TLMCM) TM–TLMCM–090305–ALL, Revision 5 dated 20 March 2011 respectively TM–TLMCM–228–00002–150610, Revision 1 dated 03 March 2011, listing component life limits and describing maintenance instructions for the Dornier 228 type design. The Document TM–TLMCM–228–00002–150610 is valid for airplane SN 8300 and up and other airplane SN modified according to CN–228–247. The instructions contained in that manual have been identified as mandatory actions for continued airworthiness.
>
> In 2005, chafed wiring was found on 5VE Panel due to lost adhesive of the TY–RAP holder and subsequent vibration of the cable harness.
>
> To address this potential unsafe condition, RUAG issued All Operators Telefax (AOT) No. AOT–228–24–028 and Temporary Revision (TR) 05–05 of the TLMCM introducing repetitive of the cockpit overhead panels 5VE and 6VE and, depending on findings, corrective actions(s). Subsequently, LBA issued AD D–2005–438 (EASA approval 2005–6430) to require those actions.
>
> Since that AD was issued, the instructions of TR 05–05 have been incorporated into TM–TLMCM–090305–ALL, Revision 5 dated 20 March 2011 respectively into TM–TLMCM–228–00002–150610, Revision 1 dated 03 March 2011.
>
> For the reasons described above, this AD retains the requirements of EASA AD D–2005–438, which is superseded, and requires the implementation of the life limits and maintenance actions as specified in the TLMCM (TM–TLMCM–090305–ALL respectively TM–TLMCM–228–00002–150610) for zone 321 overhead panels 5VE/6VE.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1056.

Relevant Service Information

Dornier Luftfahrt GmbH has issued RUAG Aerospace Services GmbH Dornier 228 TLMCM, TM–TLMCM–090305–ALL, Revision 5, March 20, 2011; and RUAG Aerospace Services GmbH Dornier 228 Airplane Maintenance Manual, TM–AMM–228–00014–080184, Revision 3, October 30, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 17 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,890 or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 3 work-hours and require parts costing $1,000, for a cost of $1,255 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–14624 (71 FR 32268; June 5, 2006), and adding the following new AD:

Dornier Luftfahrt GmbH: Docket No. FAA–2013–1056; Directorate Identifier 2013–CE–046–AD.

(a) Comments Due Date

We must receive comments by February 6, 2014.

(b) Affected ADs

This AD supersedes AD 2006–11–19, Amendment 39–14624 (71 FR 32268; June 5, 2006).

(c) Applicability

This AD applies to Dornier Luftfahrt GmbH Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as chafed or damaged wiring on the flight deck overhead panels (5VE and 6VE). We are issuing this AD to prevent chafing and damage to the wiring in the flight deck overhead panels, which could result in short-circuiting of related wiring and possibly lead to electrical failure of affected systems and potential fire in the flight deck.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(3) of this AD:

(1) Within the next 600 hours time-in-service (TIS) after the effective date of this AD and repetitively thereafter at intervals not to exceed 600 hours TIS, inspect the wiring in the flight deck overhead panels, 5VE and 6VE, for chafing, damage, and/or incorrect installation (wire tie attachment holders) following the Zonal Inspection Program for zone 321 in section 5–22–10 of Chapter 05 in RUAG Aerospace Services GmbH Dornier 228 Time Limits/Maintenance Checks Manual (TLMCM), TM–TLMCM–090305–ALL, Revision 5, March 20, 2011; and subjects 31–10–07 and 31–10–08, dated November 25, 2009, of Chapter 31, Indicating/Recording Systems in RUAG Aerospace Services GmbH Dornier 228 Airplane Maintenance Manual, TM–AMM–228–00014–080184, Revision 3, October 30, 2012.

(2) If any chafed or damaged wires are found during any inspection required in paragraph (f)(1) of this AD, before further flight, repair the affected wire(s) and assure correct installation of the wiring in the flight deck overhead panels by reattaching or replacing the wire tie attachment holders and securing any loose wires to the wire tie attachment holders with plastic wire ties following subjects 31–10–07 and 31–10–08, dated November 25, 2009, of Chapter 31, Indicating/Recording Systems in RUAG Aerospace Services GmbH Dornier 228 Airplane Maintenance Manual, TM–AMM–228–00014–080184, Revision 3, October 30, 2012.

(3) To comply with the actions of this AD, you may insert a copy of this AD or a copy of the required actions of this AD into the airworthiness limitations section of the FAA-approved maintenance program (e.g., maintenance manual). This action may be done by an owner/operator (pilot) holding at least a private pilot certificate and must be entered into the airplane records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.173 or 135.439.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0244, dated October 4, 2013, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1056. For service information related to this AD, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Germany; telephone: +49 (0) 8153–30 2220; fax: +49 (0) 8153–30 4258; email: *custsupport.dornier228@ruag.com*; Internet: *http://www.ruag.com/en/Aviation/Aviation_Home.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on December 13, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–30491 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0884; Directorate Identifier 2013–NE–31–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. This proposed AD was prompted by a report of a partial de-bonding of the low pressure compressor (LPC) case ice impact panels during an engine shop visit. This proposed AD would require replacement of the LPC case ice impact panels. We are proposing this AD to prevent failure of the LPC case ice impact panels, which could result in damage to the engine and loss of control of the airplane.

DATES: We must receive comments on this proposed AD by February 21, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this AD, contact, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2013–0884; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2013–0884; Directorate Identifier 2013–NE–31–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2013–0231, dated September 24, 2013 (referred to hereinafter as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> Partial de-bonding of the Low Pressure Compressor (LPC) Case Ice Impact Panels was reported during engine shop visit.
>
> This condition, if not corrected, could lead to Ice Impact Panel de-bonding, resulting, in case of an impact event and release of particles, in blockage of the Outlet Guide Vane and consequent potential loss of thrust or reduced fan flutter margin.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0884.

Relevant Service Information

RRD has issued Alert Non-Modification Service Bulletin No. ALERT SB–BR700–72–A900281, dated July 1, 2013. The service information describes procedures for replacement of the LPC case ice impact panels.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require replacement of the LPC case ice impact panels.

Costs of Compliance

We estimate that this proposed AD affects 232 RRD turbofan engines installed on aircraft of U.S. registry. We also estimate that it would take about 24 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost about $9,268 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $2,623,456.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce GmbH): Docket No. FAA–2013–0884; Directorate Identifier 2013–NE–31–AD.

(a) Comments Due Date

We must receive comments by February 21, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines.

(d) Reason

This AD was prompted by a report of a partial de-bonding of the low pressure compressor (LPC) case ice impact panels during an engine shop visit. We are issuing this AD to prevent failure of the LPC case ice impact panels, which could result in damage to the engine and loss of control of the airplane.

(e) Actions and Compliance

Unless already done, after the effective date of this AD, at the next engine shop visit or within 12,500 engine flight cycles since the last shop visit, whichever occurs first, replace the four LPC ice impact panels with panels eligible for installation.

(f) Definition

(1) For the purposes of this AD, an "engine shop visit" is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges. The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(2) For the purposes of this AD, a panel that is "eligible for installation" is a new LPC impact panel or one that has been repaired using RRD Alert Non-Modification Service Bulletin (NMSB) No. ALERT SB–BR700–72–A900281, dated July 1, 2013.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov*.

(2) Refer to European Aviation Safety Agency AD 2013–0231, dated September 24, 2013, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0884.

(3) RRD Alert NMSB No. ALERT SB–BR700–72–A900281, dated July 1, 2013, which is not incorporated by reference in this AD, can be obtained from RRD using the contact information in paragraph (h)(4) of this AD.

(4) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1944; fax: 49 0 33–7086–3276.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on December 11, 2013.

Robert J. Ganley,

Acting Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2013–30489 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2013–F–1539]

DSM Nutritional Products; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA) is announcing that DSM Nutritional Products has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethoxyquin in vitamin D formulations, including 25-hydroxyvitamin D_3, used in animal food.

DATES: Submit either electronic or written comments on the petitioner's request for categorical exclusion from preparing an environmental assessment or environmental impact statement by January 22, 2014.

ADDRESSES: Submit electronic comments to: *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6853.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5)), notice is given that a food additive petition (FAP 2276) has been filed by DSM Nutritional Products, 45 Waterview Blvd., Parsippany, NJ 07054. The petition proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of ethoxyquin as a chemical preservative in vitamin D formulations, including 25-hydroxyvitamin D_3, used in animal food.

The petitioner has requested a categorical exclusion from preparing an environmental assessment or environmental impact statement under 21 CFR 25.32(k). Interested persons may submit either electronic or a single copy of written comments regarding this request for categorical exclusion to the Division of Dockets Management (see **DATES** and **ADDRESSES**). Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: December 17, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–30462 Filed 12–20–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2013–F–1540]

DSM Nutritional Products; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA) is announcing that DSM Nutritional Products has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 25-hydroxyvitamin D_3 in feed for laying and breeding hens.

DATES: Submit either electronic or written comments on the petitioner's request for categorical exclusion from preparing an environmental assessment or environmental impact statement by January 22, 2014.

ADDRESSES: Submit electronic comments to: *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug

Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6853.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5)), notice is given that a food additive petition (FAP 2277) has been filed by DSM Nutritional Products, 45 Waterview Blvd., Parsippany, NJ 07054. The petition proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of 25-hydroxyvitamin D_3 in feed for laying and breeding hens.

The petitioner has requested a categorical exclusion from preparing an environmental assessment or environmental impact statement under 21 CFR 25.32(r). Interested persons may submit either electronic or a single copy of written comments regarding this request for categorical exclusion to the Division of Dockets Management (see **DATES** and **ADDRESSES**). Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: December 17, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–30461 Filed 12–20–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2013–0904]

RIN 1625–AA08; AA00

Special Local Regulations and Safety Zones; Recurring Events in Northern New England

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to update special local regulations and permanent safety zones in the Coast Guard Sector Northern New England Captain of the Port (COTP) Zone for annual recurring marine events. When enforced, these proposed special local regulations and safety zones would restrict vessels from portions of water areas during certain annually recurring events. The proposed special local regulations and safety zones are intended to expedite public notification and ensure the protection of the maritime public and event participants from the hazards associated with certain maritime events.

DATES: Comments and related material must be received by the Coast Guard on or before January 22, 2014. Requests for public meetings must be received by the Coast Guard on or before December 30, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0904 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of these four methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Lieutenant Junior Grade Elizabeth Gunn, Waterways Management Division at Coast Guard Sector Northern New England, telephone 207–767–0398, email *Elizabeth.V.Gunn@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2013–0904), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number [USCG–2013–0904] in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8 ½; by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0904) in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The two regulatory sections that the Coast Guard proposes to amend were originally established in 2011. Specifically, the final rules for 33 CFR §§ 100.120 and 165.171 were published on March 30, 2011 (76 FR 17530 and 76 FR 17537). These final rules was issued in order to reduce administrative overhead, expedite public notification of events, and ensure the protection of the maritime public during approximately 180 marine events in the Sector Northern New England area. Each year since these two sections were created, the table in each regulatory section has been updated to reflected changes in regular recurring events, such as additions or deletions of events or updates to pertinent event details. Although the tables have been updated, the actual regulations within 33 CFR 100.120 and 165.171 have not changed since the original publication in March of 2011. The Coast Guard has received no comments from the public since these two sections were originally established.

C. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C. 1226, 1231, 1233; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones and special local regulations.

Swim events, fireworks displays, and marine events are held on an annual recurring basis on the navigable waters within the Coast Guard Sector Northern New England COTP Zone. In the past, the Coast Guard has established special local regulations, regulated areas, and safety zones for these annual recurring events on a case by case basis to ensure the protection of the maritime public and event participants from the hazards associated with these events. As mentioned above, the Coast Guard has not received public comments or concerns regarding the impact to waterway traffic from the Coast Guard's regulations associated with these annually recurring events. In the past year, events were assessed for their likelihood to recur in subsequent years or to discontinue and were added to or deleted from the tables accordingly. In additions, minor changes to existing events were made to ensure the accuracy of event details.

D. Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 100.120 (Special Local Regulations) and 33 CFR 165.171 (Safety Zones). The proposed rule would update the list of annual recurring events in the existing regulation for the Coast Guard Sector Northern New England COTP Zone. The Tables provide the event name, sponsor, and type, as well as approximate times, dates, and locations of the events. Advanced public notification of specific times, dates, regulated areas, and enforcement periods for each event will be provided through appropriate means, which may include, but are not limited to, the Local Notice to Mariners, Broadcast Notice to Mariners, or a Notice of Enforcement published in the **Federal Register** at least 30 days prior to the event date. If an event does not have a date and time listed in this regulation, then the precise dates and times of the enforcement period for that event will be announced through a Notice of Enforcement in the **Federal Register**.

E. Regulatory Analyses

The Coast Guard developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be minimal. Although this regulation may have some impact on the public, the potential impact will be minimized for the following reasons: The Coast Guard is only modifying an existing regulation to account for new information.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: Owners or operators of vessels intending to transit, fish, or anchor in the areas where the listed annual recurring events are being held. The proposed rule would not have a significant impact on a substantial number of small entities for all of the same reasons discussed in the Regulatory Planning and Review section above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children From Environmental Health Risks

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This proposed rule is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

A preliminary environmental analysis checklist supporting this determination will be available in the docket where indicated under **ADDRESSES**. This proposed rule involves water activities including swimming events and fireworks displays. This rule may be categorically excluded, under figure 2–1, paragraph (34)(g) (Safety Zones) and (34)(h) (Special Local Regulations) of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 1. In § 100.120, revise the TABLE to read as follows:

§ 100.120 Special Local Regulations; Marine Events Held in the Coast Guard Sector Northern New England COTP Zone.

* * * * *

TABLE TO § 100.120

0.0	May occur May through September
0.1 Tall Ships Visiting Portsmouth	• Event Type: Regatta and Boat Parade. • Sponsor: Portsmouth Maritime CommissioN, Inc. • Date: A four day event from Friday through Monday.* • Time (Approximate): 9:00 am to 8:00 pm each day. • Location: The regulated area includes all waters of Portsmouth Harbor, New Hampshire in the vicinity of Castle Island within the following points (NAD 83): 43°03′11″ N, 070°42′26″ W. 43°03′18″ N, 070°41′51″ W. 43°04′42″ N, 070°42′11″ W. 43°04′28″ N, 070°44′12″ W.

TABLE TO § 100.120—Continued

	43°05′36″ N, 070°45′56″ W. 43°05′29″ N, 070°46′09″ W. 43°04′19″ N, 070°44′16″ W. 43°04′22″ N, 070°42′33″ W.
6.0	JUNE
6.1 Bar Harbor Blessing of the Fleet	• Event Type: Regatta and Boat Parade • Sponsor: Town of Bar Harbor, Maine. • Date: A one day event between the 15th of May and the 15th of June.* • Time (Approximate): 12:00 pm to 1:30 pm. • Location: The regulated area includes all waters of Bar Harbor, Maine within the following points (NAD 83): 44°23′32″ N, 068°12′19″ W. 44°23′30″ N, 068°12′00″ W. 44°23′37″ N, 068°12′00″ W. 44°23′35″ N, 068°12′19″ W.
6.2 Charlie Begin Memorial Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Boothbay Harbor Lobster Boat Race Committee. • Date: A one day event in June.* • Time (Approximate): 10:00 am to 3:00 pm. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of John's Island within the following points (NAD 83): 43°50′04″ N, 069°38′37″ W. 43°50′54″ N, 069°38′06″ W. 43°50′49″ N, 069°37′50″ W. 43°50′00″ N, 069°38′20″ W.
6.3 Rockland Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Rockland Harbor Lobster Boat Race Committee. • Date: A one day event in June.* • Time (Approximate): 9:00 am to 5:00 pm. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of the Rockland Breakwater Light within the following points (NAD 83): 44°05′59″ N, 069°04′53″ W. 44°06′43″ N, 069°05′25″ W. 44°06′50″ N, 069°05′05″ W. 44°06′05″ N, 069°04′34″ W.
6.4 Windjammer Days Parade of Ships	• Event Type: Tall Ship Parade. • Sponsor: Boothbay Region Chamber of Commerce. • Date: A one day event in June.* • Time (Approximate): 12:00 pm to 5:00 pm. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of Tumbler's Island within the following points (NAD 83): 43°51′02″ N, 069°37′33″ W. 43°50′47″ N, 069°37′31″ W. 43°50′23″ N, 069°37′57″ W. 43°50′01″ N, 069°37′45″ W. 43°50′01″ N, 069°38′31″ W. 43°50′25″ N, 069°38′25″ W. 43°50′49″ N, 069°37′45″ W.
6.5 Bass Harbor Blessing of the Fleet Lobster Boat Race.	• Event Type: Power Boat Race • Sponsor: Tremont Congregational Church. • Date: A one day event in June.* • Time (Approximate): 10:00 am to 2:00 pm. • Location: The regulated area includes all waters of Bass Harbor, Maine in the vicinity of Lopaus Point within the following points (NAD 83): 44°13′28″ N, 068°21′59″ W. 44°13′20″ N, 068°21′40″ W. 44°14′05″ N, 068°20′55″ W. 44°14′12″ N, 068°21′14″ W.
6.6 Long Island Lobster Boat Race	• Event Type: Power Boat Race. • Sponsor: Long Island Lobster Boat Race Committee. • Date: A one day event in June.* • Time (Approximate) 10:00 am to 3:00 pm.

TABLE TO § 100.120—Continued

	• Location: The regulated area includes all waters of Casco Bay, Maine in the vicinity of Great Ledge Cove and Dorseys Cove off the north west coast of Long Island, Maine within the following points (NAD 83): 43°41′59″ N, 070°08′59″ W. 43°42′04″ N, 070°09′10″ W. 43°41′41″ N, 070°09′38″ W. 43°41′36″ N, 070°09′30″ W.
7.0	JULY
7.1 Moosabec Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Moosabec Boat Race Committee. • Date: A one day event held near July 4th.* • Time (Approximate): 10:00 am to 12:30 pm. • Location: The regulated area includes all waters of Jonesport, Maine within the following points (NAD 83): 44°31′21″ N, 067°36′44″ W. 44°31′36″ N, 067°36′47″ W. 44°31′44″ N, 067°35′36″ W. 44°31′29″ N, 067°35′33″ W.
7.2 The Great Race	• Event Type: Rowing and Paddling Boat Race • Sponsor: Franklin County Chamber of Commerce. • Date: A one day event on a Sunday between the 15th of August and the 15th of September.* • Time (Approximate): 10:00 am to 12:30 pm. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Saint Albans Bay within the following points (NAD 83): 44°47′18″ N, 073°10′27″ W. 44°47′10″ N, 073°08′51″ W.
7.3 Searsport Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Searsport Lobster Boat Race Committee. • Date: A one day event in July.* • Time (Approximate): 9:00 am to 4:00 pm. • Location: The regulated area includes all waters of Searsport Harbor, Maine within the following points (NAD 83): 44°26′50″ N, 068°55′20″ W. 44°27′04″ N, 068°55′26″ W. 44°27′12″ N, 068°54′35″ W. 44°26′59″ N, 068°54′29″ W.
7.4 Stonington Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Stonington Lobster Boat Race Committee. • Date: A one day event in July.* • Time (Approximate): 8:00 am to 3:30 pm. • Location: The regulated area includes all waters of StoningtoN, Maine within the following points (NAD 83): 44°08′55″ N, 068°40′12″ W. 44°09′00″ N, 068°40′15″ W. 44°09′11″ N, 068°39′42″ W. 44°09′07″ N, 068°39′39″ W.
7.5 Mayor's Cup Regatta	• Event Type: Sailboat Parade. • Sponsor: Plattsburgh Sunrise Rotary. • Date: A one day event in July.* • Time (Approximate): 10:00 am to 4:00 pm. • Location: The regulated area includes all waters of Cumberland Bay on Lake Champlain in the vicinity of Plattsburgh, New York within the following points (NAD 83): 44°41′26″ N, 073°23′46″ W. 44°40′19″ N, 073°24′40″ W. 44°42′01″ N, 073°25′22″ W.
7.6 The Challenge Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Lake Champlain Maritime Museum. • Date: A one day event in July.* • Time (Approximate): 11:00 am to 3:00 pm. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Button Bay State Park within the following points (NAD 83): 44°12′25″ N, 073°22′32″ W. 44°12′00″ N, 073°21′42″ W.

TABLE TO § 100.120—Continued

	44°12′19″ N, 073°21′25″ W. 44°13′16″ N, 073°21′36″ W.
7.7 Yarmouth Clam Festival Paddle Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Maine Island Trail Association. • Date: A one day event in July.* • Time (Approximate): 8:00 am to 4:00 pm. • Location: The regulated area includes all waters in the vicinity of the Royal River outlet and Lane's Island within the following points (NAD 83): 43°47′47″N, 070°08′40″ W. 43°47′50″N, 070°07′13″ W. 43°47′06″N, 070°07′32″ W. 43°47″17″N, 070°08′25″ W.
7.8 Maine Windjammer Lighthouse Parade	• Event Type: Wooden Boat Parade. • Sponsor: Maine Windjammer Association. • Date: A one day event in July.* • Time (Approximáte): 1:00 pm to 3:00 pm. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of the Rockland Harbor Breakwater within the following points (NAD 83): 44°06′14″ N, 069°03′48″ W. 44°05′50″ N, 069°03′47″ W. 44°06′14″ N, 069°05′37″ W. 44°05′50″ N, 069°05′37″ W.
7.9 Friendship Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Friendship Lobster Boat Race Committee. • Date: A one day event during a weekend between the 15th of July and the 15th of August.* • Time (Approximate): 9:30 am to 3:00 pm. • Location: The regulated area includes all waters of Friendship Harbor, Maine within the following points (NAD 83): 43°57′51″ N, 069°20′46″ W. 43°58′14″ N, 069°19′53″ W. 43°58′19″ N, 069°20′01″ W. 43°58′00″ N, 069°20′46″ W.
7.10 Harpswell Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Harpswell Lobster Boat Race Committee. • Date: A one day event between the 15th of July and the 15th of August.* • Time (Approximate): 10:00 am to 3:00 pm. • Location: The regulated area includes waters of Middle Bay near Harpswell, Maine within the following points (NAD 83): 43°44′15″ N, 070°02′06″ W. 43°44′59″ N, 070°01′21″ W. 43°44′51″ N, 070°01′05″ W. 43°44′06″ N, 070°01′49″ W.
8.0	AUGUST
8.1 Eggemoggin Reach Regatta	• Event Type: Wooden Boat Parade. • Sponsor: Rockport Marine, Inc. and Brooklin Boat Yard. • Date: A one day event on a Saturday between the 15th of July and the 15th of August.* • Time (Approximate): 11:00 am to 7:00 pm. • Location: The regulated area includes all waters of Eggemoggin Reach and Jericho Bay in the vicinity of Naskeag Harbor, Maine within the following points (NAD 83): 44°15′16″ N, 068°36′26″ W. 44°12′41″ N, 068°29′26″ W. 44°07′38″ N, 068°31′30″ W. 44°12′54″ N, 068°33′46″ W.
8.2 Southport Rowgatta Rowing and Paddling Boat Race.	• Event Type: Rowing and Paddling Boat Race • Sponsor: Boothbay Region YMCA. • Date: A one day event in August.* • Time (Approximate): 8:00 am to 3:00 pm. • Location: The regulated area includes all waters of Sheepscot Bay and Boothbay, on the shore side of Southport Island, Maine within the following points (NAD 83): 43°50′26″ N, 069°39′10″ W. 43°49′10″ N, 069°38′35″ W.

TABLE TO § 100.120—Continued

	43°46′53″ N, 069°39′06″ W. 43°46′50″ N, 069°39′32″ W. 43°49′07″ N, 069°41′43″ W. 43°50′19″ N, 069°41′14″ W. 43°51′11″ N, 069°40′06″ W.
8.3 Winter Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Winter Harbor Chamber of Commerce. • Date: A one day event in August.* • Time (Approximate): 9:00 am to 3:00 pm. • Location: The regulated area includes all waters of Winter Harbor, Maine within the following points (NAD 83): 44°22′06″ N, 068°05′13″ W. 44°23′06″ N, 068°05′08″ W. 44°23′04″ N, 068°04′37″ W. 44°22′05″ N, 068°04′44″ W.
8.4 Lake Champlain Dragon Boat Festival	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Dragonheart Vermont. • Date: A one day event in August.* • Time (Approximate): 7:00 am to 5:00 pm. • Location: The regulated area includes all waters of Burlington Bay within the following points (NAD 83): 44°28′49″ N, 073°13′22″ W. 44°28′41″ N, 073°13′36″ W. 44°28′28″ N, 073°13′31″ W. 44°28′38″ N, 073°13′18″ W.
8.5 . Merritt Brackett Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Town of Bristol, Maine. • Date: A one day event in August.* • Time (Approximate): 10:00 am to 3:00 pm. • Location: The regulated area includes all waters of Pemaquid Harbor, Maine within the following points (NAD 83): 43°52′16″ N, 069°32′10″ W. 43°52′41″ N, 069°31′43″ W. 43°52′35″ N, 069°31′29″ W. 43°52′09″ N, 069°31′56″ W.
8.6 Multiple Sclerosis Harbor Fest Regatta And Lobster Boat/Tugboat Races..	• Event Type: Regatta and Sailboat Race; Power Boat Race. • Sponsor: Maine Chapter, Multiple Sclerosis Society. • Date: A two day event in August.* • Time (Approximate): 10:00 am to 4:00 pm. • Location: The regulated area for the start of the race includes all waters of Casco Bay, Maine in the vicinity of Peaks Island within the following points (NAD 83): 43°40′25″ N, 070°14′21″ W. 43°40′36″ N, 070°13′56″ W. 43°39′58″ N, 070°13′21″ W. 43°39′46″ N, 070°13′51″ W.
9.0	SEPTEMBER
9.1 Pirates Festival Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Eastport Pirates Festival. • Date: A one day event in September.* • Time (Approximate): 11:00 am to 6:00 pm. • Location: The regulated area includes all waters in the vicinity of Eastport Harbor, Maine within the following points (NAD 83): 44°54′14″ N, 066°58′52″ W. 44°54′14″ N, 068°58′56″ W. 44°54′24″ N, 066°58′52″ W. 44°54′24″ N, 066°58′56″ W.

*Date subject to change. Exact date will be posted in Notice of Enforcement and Local Notice to Mariners

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 4. In § 165.171, revise the TABLE to read as follows:

§ 165.171 Safety Zones for fireworks displays and swim events held in Coast Guard Sector Northern New England COTP Zone.

* * * * *

TABLE TO § 165.171

5.0	MAY
5.1 Hawgs, Pies, & Fireworks	• Event Type: Fireworks Display. • Sponsor: Gardiner Maine Street. • Date: One night event between the 15th of May and the 15th of June.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: In the vicinity of the Gardiner Waterfront, Gardiner, Maine in approximate position: 44°13′52″ N, 069°46′08″ W (NAD 83).
6.0	JUNE
6.1 Rotary Waterfront Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Gardiner Rotary. • Date: Two night event on a Wednesday and Saturday in June.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: In the vicinity of the Gardiner Waterfront, Gardiner, Maine in approximate position: 44°13′52″ N, 069°46′08″ W (NAD 83).
6.2 LaKermesse Fireworks	• Event Type: Fireworks Display. • Sponsor: Ray Gagne. • Date: One night event in June.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: Biddeford, Maine in approximate position: 43°29′37″ N, 070°26′47″ W (NAD 83).
6.3 Windjammer Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Boothbay Harbor Region Chamber of Commerce. • Date: One night event in June.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
7.0	JULY
7.1 Vinalhaven 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Vinalhaven 4th of July Committee. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Grime's Park, Vinalhaven, Maine in approximate position: 44°02′34″ N, 068°50′26″ W (NAD 83).
7.2 Burlington Independence Day Fireworks.	• Event Type: Fireworks Display. • Sponsor: City of Burlington, Vermont. • Date: One night event in July.* • Time (Approximate): 9:00 pm to 11:00 pm. • Location: From a barge in the vicinity of Burlington Harbor, Burlington, Vermont in approximate position: 44°28′31″ N, 073°13′31″ W (NAD 83).
7.3 Camden 3rd of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Camden, Rockport, Lincolnville Chamber of Commerce. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: In the vicinity of Camden Harbor, Maine in approximate position: 44°12′32″ N, 069°02′58″ W (NAD 83).
7.4 Bangor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bangor 4th of July Fireworks. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of the Bangor Waterfront, Bangor, Maine in approximate position:

TABLE TO § 165.171—Continued

	44°47′27″ N, 068°46′31″ W (NAD 83).
7.5 Bar Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bar Harbor Chamber of Commerce. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Bar Harbor Town Pier, Bar Harbor, Maine in approximate position: 44°23′31″ N, 068°12′15″ W (NAD 83).
7.6 Boothbay Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Boothbay Harbor. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
7.7 Colchester 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Colchester, Recreation Department. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: In the vicinity of Bayside Beach and Mallets Bay in Colchester, Vermont in approximate position: 44°32′44″ N, 073°13′10″ W (NAD 83).
7.8 Eastport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport 4th of July Committee. • Date: One night event in July.* • Time (Approximate): 9:00 pm to 9:30 pm. • Location: From the Waterfront Public Pier in Eastport, Maine in approximate position: 44°54′25″ N, 066°58′55″ W (NAD 83).
7.9 Ellis Short Sand Park Trustee Fireworks	• Event Type: Fireworks Display. • Sponsor: William Burnham. • Date: One night event in July.* • Time (Approximate): 8:30 pm to 11:00 pm. • Location: In the vicinity of York Beach, Maine in approximate position: 43°10′27″ N, 070°36′26″ W (NAD 83).
7.10 Hampton Beach 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Hampton Beach Village District. • Date: One night event in July.* • Time (Approximate): 8:30 pm to 11:00 pm. • Location: In the vicinity of Hampton Beach, New Hampshire in approximate position: 42°54′40″ N, 070°36′25″ W (NAD 83).
7.11 Jonesport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Jonesport 4th of July Committee. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Beals Island, Jonesport, Maine in approximate position: 44°31′18″ N, 067°36′43″ W (NAD 83).
7.12 Lubec Bicentennial Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Lubec, Maine. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of the Lubec Public Boat Launch in approximate position: 44°51′52″ N, 066°59′06″ W (NAD 83).
7.13 Main Street Heritage Days 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Main Street Inc. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Reed and Reed Boat Yard, Woolwich, Maine in approximate position: 43°54′56″ N; 069°48′16″ W (NAD 83).
7.14 Portland Harbor 4th of July Fireworks	• Event Type: Fireworks Display.

TABLE TO § 165.171—Continued

	• Sponsor: Department of Parks and Recreation, Portland, Maine. • Date: One night event in July.* • Time (Approximate): 8:30 pm to 10:30 pm. • Location: In the vicinity of East End Beach, Portland, Maine in approximate position: 43°40′16″ N, 070°14′44″ W (NAD 83).
7.15 St. Albans Day Fireworks	• Event Type: Fireworks Display. • Sponsor: St. Albans Area Chamber of Commerce. • Date: One night event in July.* • Time (Approximate): 9:00 pm to 10:00 pm. • Location: From the St. Albans Bay dock in St. Albans Bay, Vermont in approximate position: 44°48′25″ N, 073°08′23″ W (NAD 83).
7.16 Stonington 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Deer Isle—Stonington Chamber of Commerce. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Two Bush Island, Stonington, Maine in approximate position: 44°08′57″ N, 068°39′54″ W (NAD 83).
7.17 Southwest Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Sharon Gilley. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: Southwest Harbor, Maine in approximate position: 44°16′25″ N, 068°19′21″ W (NAD 83).
7.18 Prentice Hospitality Group Fireworks	• Event Type: Fireworks Display. • Sponsor: Prentice Hospitality Group. • Date: One night event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: Chebeague Island, Maine in approximate position: 43°45′12″ N, 070°06′27″ W (NAD 83).
7.19 Shelburne Triathlons	• Event Type: Swim Event. • Sponsor: Race Vermont. • Date: Up to three Saturdays throughout July and August.* • Time (Approximate): 7:00 am to 11:00 am. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Shelburne Beach in Shelburne, Vermont within a 400 yard radius of the following point (NAD 83): 44°21′45″ N, 075°15′58″ W.
7.20 St. George Days Fireworks	• Event Type: Fireworks. • Sponsor: Town of St. George. • Date: One night event in July.* • Time (Approximate): 8:30 pm to 10:30 pm. • Location: The regulated area includes all waters of Inner Tenants Harbor, ME, in approximate position (NAD 83): 43°57′41.37″ N, 069°12′45″ W.
7.21 Tri for a Cure Swim Clinics and Triathlon	• Event Type: Swim Event. • Sponsor: Maine Cancer Foundation • Date: A multi-day event held throughout July.* • Time (Approximate): 8:30 am to 11:30 am • Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Spring Point Light within the following points (NAD 83): 43°39′01″ N, 070°13′32″ W. 43°39′07″ N, 070°13′29″ W. 43°39′06″ N, 070°13′41″ W. 43°39′01″ N, 070°13′36″ W.
7.22 Richmond Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Richmond, Maine. • Date: A one day event in July.* • Time (Approximate): 8:00 pm to 10:00 pm. • Location: From a barge in the vicinity of the inner harbor, Tenants Harbor, Maine in approximate position: 44°08′42″ N, 068°27′06″ W (NAD83).
7.23 Colchester Triathlon	• Event Type: Swim Event.

TABLE TO § 165.171—Continued

	• Sponsor: Colchester Parks and Recreation Department. • Date: A one day event in July.* • Time (Approximate): 7:00 am to 11:00 am. • Location: The regulated area includes all waters of Malletts Bay on Lake Champlain, Vermont within the following points (NAD 83): 44°32′18″ N, 073°12′35″ W. 44°32′28″ N, 073°12′56″ W. 44°32′57″ N, 073°12′38″ W.
7.24 Peaks to Portland Swim	• Event Type: Swim Event. • Sponsor: Cumberland County YMCA. • Date: A one day event in July.* • Time (Approximate): 5:00 am to 1:00 pm. • Location: The regulated area includes all waters of Portland Harbor between Peaks Island and East End Beach in Portland, Maine within the following points (NAD 83): 43°39′20″ N, 070°11′58″ W. 43°39′45″ N, 070°13′19″ W. 43°40′11″ N, 070°14′13″ W. 43°40′08″ N, 070°14′29″ W. 43°40′00″ N, 070°14′23″ W. 43°39′34″ N, 070°13′31″ W. 43°39′13″ N, 070°11′59″ W.
7.25 Friendship Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Friendship. • Date: A one day event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of the Town Pier, Friendship Harbor, Maine in approximate position: 43°58′23″ N, 069°20′12″ W (NAD83).
7.26 Bucksport Festival and Fireworks	• Event Type: Fireworks Display. • Sponsor: Bucksport Bay Area Chamber of Commerce. • Date: A one day event in July.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of the Verona Island Boat Ramp, Verona, Maine, in approximate position: 44°34′9″ N, 068°47′28″ W (NAD83).
7.27 Nubble Light Swim Challenge	• Event Type: Swim Event. • Sponsor: Nubble Light Challenge. • Date: A one day event in July.* • Time (Approximate): 9:00 am to 12:30 pm. • Location: The regulated area includes all waters around Cape Neddick, Maine and within the following coordinates: 43°10′28″ N, 070°36′26″ W. 43°10′34″ N, 070°36′06″ W. 43°10′30″ N, 070°35′45″ W. 43°10′17″ N, 070°35′24″ W. 43°09′54″ N, 070°35′18″ W. 43°09′42″ N, 070°35′37″ W. 43°09′51″ N, 070°37′05″ W.
8.0	August
8.1 Sprucewold Cabbage Island Swim	• Event Type: Swim Event. • Sponsor: Sprucewold Association. • Date: A one day event in August.* • Time (Approximate): 1:00 pm to 6:00 pm. • Location: The regulated area includes all waters of Linekin Bay between Cabbage Island and Sprucewold Beach in Boothbay Harbor, Maine within the following points (NAD 83): 43°50′37″ N, 069°36′23″ W. 43°50′37″ N, 069°36′59″ W. 43°50′16″ N, 069°36′46″ W. 43°50′22″ N, 069°36′21″ W.
8.2 Westerlund's Landing Party Fireworks	• Event Type: Fireworks Display. • Sponsor: Portside Marina. • Date: A one day event in August.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Westerlund's Landing in South Gardiner, Maine in approximate position:

TABLE TO § 165.171—Continued

	44°10′19″ N, 069°45′24″ W (NAD 83).
8.3 Y-Tri Triathlon	• Event Type: Swim Event. • Sponsor: Plattsburgh YMCA. • Date: A one day event in August.* • Time (Approximate): 9:00 am to 10:00 am. • Location: The regulated area includes all waters of Treadwell Bay on Lake Champlain in the vicinity of Point Au Roche State Park, Plattsburgh, New York within the following points (NAD 83): 44°46′30″ N, 073°23′26″ W. 44°46′17″ N, 073°23′26″ W. 44°46′17″ N, 073°23′46″ W. 44°46′29″ N, 073°23′46″ W.
8.4 York Beach Fire Department Fireworks	• Event Type: Fireworks Display. • Sponsor: York Beach Fire Department. • Date: A one day event in August.* • Time (Approximate): 8:30 pm to 11:30 pm. • Location: In the vicinity of Short Sand Cove in York, Maine in approximate position: 43°10′27″ N, 070°36′25″ W (NAD 83).
8.5 Rockland Breakwater Swim	• Event Type: Swim Event. • Sponsor: Pen-Bay Masters. • Date: A one day event in August.* • Time (Approximate): 7:30 am to 1:30 pm. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of Jameson Point within the following points (NAD 83): 44°06′16″ N, 069°04′39″ W. 44°06′13″ N, 069°04′36″ W. 44°06′12″ N, 069°04′43″ W. 44°06′17″ N, 069°04′44″ W. 44°06′18″ N, 069°04′40″ W.
8.6 Tri for Preservation	• Event Type: Swim Event. • Sponsor: Tri-Maine Productions. • Date: A one day event in August.* • Time (Approximate): 7:30 am to 9:00 am. • Location: In the vicinity of Crescent Beach State Park in Cape Elizabeth, Maine in approximate position: 43°33′46″ N, 070°13′48″ W. 43°33′41″ N, 070°13′46″ W. 43°33′44″ N, 070°13′40″ W. 43°33′47″ N, 070°13′46″ W.
8.7 North Hero Air Show	• Event Type: Air Show. • Sponsor: North Hero Fire Department. • Date: A one day event in August.* • Time (Approximate): 10:00 am to 5:00 pm. • Location: In the vicinity of Shore Acres Dock, North Hero, Vermont in approximate position: 44°48′24″ N, 073°17′02″ W. 44°48′22″ N, 073°16′46″ W. 44°47′53″ N, 073°16′54″ W. 44°47′54″ N, 073°17′09″ W.
9.0	SEPTEMBER
9.1 Windjammer Weekend Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Camden, Maine. • Date: A one night event in September.* • Time (Approximate): 8:00 pm to 9:30 pm. • Location: From a barge in the vicinity of Northeast Point, Camden Harbor, Maine in approximate position: 44°12′10″ N, 069°03′11″ W (NAD 83).
9.2 Eastport Pirate Festival Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport Pirate Festival. • Date: A one night event in September.* • Time (Approximate): 7:00 pm to 10:00 pm. • Location: From the Waterfront Public Pier in Eastport, Maine in approximate position: 44°54′17″ N, 066°58′58″ W (NAD 83).

TABLE TO § 165.171—Continued

9.3 The Lobsterman Triathlon	• Event Type: Swim Event. • Sponsor: Tri-Maine Productions. • Date: A one day event in September.* • Time (Approximate): 8:00 am to 11:00 am. • Location: The regulated area includes all waters in the vicinity of Winslow Park in South Freeport, Maine within the following points (NAD 83): 43°47′59″ N, 070°06′56″ W. 43°47′44″ N, 070°06′56″ W. 43°47′44″ N, 070°07′27″ W. 43°47′57″ N, 070°07′27″ W.
9.4 Eliot Festival Day Fireworks	• Event Type: Fireworks Display. • Sponsor: Eliot Festival Day Committee. • Date: A one night event in September.* • Time (Approximate): 8:00 pm to 10:30 pm. • Location: In the vicinity of Eliot Town Boat Launch, Eliot, Maine in approximate position: 43°08′56″ N, 070°49′52″ W (NAD 83).

* Date subject to change. Exact date will be posted in Notice of Enforcement and Local Notice to Mariners.

Dated: December 5, 2013.

B.S. Gilda,

Captain, U.S. Coast Guard, Captain of the Port Sector Northern New England.

[FR Doc. 2013–30387 Filed 12–20–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 208

Flood Control Regulations, Marshall Ford Dam (Mansfield Dam and Lake Travis), Colorado River, Texas

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to amend the rules regarding use and administration of Marshall Ford Dam (Mansfield Dam and Lake Travis), Colorado River, Texas. In 1997, the Lower Colorado River Authority (LCRA) completed repayment of the federal government's contribution for acquisition and construction costs related to Mansfield Dam. Subsequently, the United States Bureau of Reclamation (USBR) relinquished all rights and obligations to the project. However, the U.S. Department of the Interior and the USBR are referenced as project stakeholders in the Flood Control Regulations. Amending the referenced regulations to update project ownership will eliminate the current discrepancy between the regulations and associated project documents. The Fort Worth District of the Corps and LCRA are finalizing a revised water control plan for Lake Travis. There is no intent to publish the updated water control plan in the **Federal Register.** Amending the regulations to indicate that the water control plan has been superseded would eliminate the need to amend the regulations each time the water control plan is modified.

DATES: Comments must be received by January 22, 2014.

ADDRESSES: You may submit comments, identified by docket number COE–2013–0013, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: sandy.l.gore@usace.army.mil. Include the docket number, COE–2013–0013, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: CECW–SWD (Sandy Gore), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2013–0013. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Sandy Gore at 202–761–5237 or by email at *sandy.l.gore@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

Executive Summary

The purpose of this action is to amend the regulations to reflect changes in ownership and responsibilities of flood control management of Marshall Ford Dam (Mansfield Dam and Lake Travis) by the U.S. Army Corps of Engineers (USACE) and the Lower Colorado River Authority (LCRA) and to clarify that the published water control plan has been superseded. Specifically, the objective is to amend 33 CFR 208 to indicate:

(A) A change in project ownership. This will require revision of 33 CFR 208.11(e) List of Projects, which currently indicates USBR as the project owner, and 33 CFR 208.19, which references the Secretary of the Interior and the Bureau of Reclamation as the responsible party for operating Marshall Ford Dam in the interest of flood control above elevation 714.

(B) Revision of the Marshall Ford Dam (Mansfield Dam and Lake Travis) water control plan in 2012.

(C) USACE intention to henceforth forego publication of the Marshall Ford Dam (Mansfield Dam and Lake Travis) water control plan in the **Federal Register**.

(D) USACE and LCRA as sources for obtaining information regarding the most recently approved and therefore currently the effective water control plan.

Background

Mansfield Dam was funded, planned, and built by the United States Bureau of Reclamation (USBR) from February 1937 through September 1940. The Lower Colorado River Authority (LCRA) acquired the land for the project and paid for the majority of the costs related to the hydroelectric power facilities. The USBR was the project owner while LCRA was repaying the federal government contribution to the project. LCRA completed repayment in May 1997, and the USBR relinquished all rights and obligations to the project. USBR has formally requested USACE revise the water control manual (of which the water control plan is an integral part) and any other regulatory documents accordingly.

As a result of Section 7 of the Flood Control Act of 1944, the U.S. Army Corps of Engineers (USACE) is responsible for prescribing a formal water control plan for regulation of the Lake Travis storage space allocated for flood control (elevation 681.0 to elevation 714.0). As per ER 1110–2–241, *Use of Storage Allocated for Flood Control and Navigation at Non-Corps Projects* (24 May 1990), paragraph *6.d.—Water Control Plan and Manual*, the Corps of Engineers is responsible for developing the formal flood control regulation/water control plan, documenting the plan in a water control manual, and furnishing a copy of the manual to the project owner. A water control plan for Lake Travis was published in the **Federal Register** (33 CFR 208.19) in May of 1951. Subsequently, 33 CFR part 208 was amended in April 1976, and again in April 1979, by revising Section 208.19 to reflect revision of the water control plan. Each of these three respective water control plans, and Section 208.11, identifies the U.S. Department of the Interior and/or the USBR as stakeholders in the project.

In 2012, based on results of a recent study, USACE—Fort Worth District and LCRA finalized a jointly supported revision of the water control plan for Lake Travis. There being no requirement for publication of the water control plan in the **Federal Register**, USACE plans to henceforth forego doing so. Also in 2012, USACE—Fort Worth District and LCRA agreed on a formal Letter of Understanding (LOU) and a Water Control Agreement (WCA) in accordance with ER 1110–2–241, *Use of Storage Allocated for Flood Control and Navigation at Non-Corps Projects* (24 May 1990). LCRA has agreed to sign the LOU and the WCA, and adopt the new water control plan, upon amendment of the CFR to indicate the last published water control plan (April 1979) has been superseded.

Administrative Requirements

Plain Language

In compliance with the principles in the President's memorandum of June 1, 1998, (63 FR 31855) regarding plain language, this preamble is written using plain language. The use of "we" in this notice refers to the U.S. Army Corps of Engineers. We have also used the active voice, short sentences, and common everyday terms except for necessary technical terms.

Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. This proposed rule adjusts our civil penalty amounts to comply with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. Therefore, this action is not subject to the Paperwork Reduction Act.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. For the Corps regulatory program under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, the current OMB approval number for information requirements is maintained by the Corps of Engineers (OMB approval number 0710–0003).

Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, a small entity is defined as: (1) A small business based on Small Business Administration size standards; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, we believe that this action will not have a significant economic impact on a substantial number of small entities. The proposed rule is consistent with current agency practice, does not impose new substantive requirements,

and therefore would not have a significant economic impact on a substantial number of small entities.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 33 CFR Part 208

Dams, Flood control, Intergovernmental relations, Reservoirs.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 208 as follows:

PART 208—FLOOD CONTROL REGULATIONS

■ 1. The authority citation for 33 CFR part 208 continues to read as follows:

Authority: Sec. 7, 58 Stat. 890; 33 U.S.C. 709.

■ 2. Amend § 208.11(e) as follows:

■ a. Revise the entry for Marshall Ford Dam and Reservoir on the "List of Projects" table; and

■ b. Revise footnote 4.

§ 208.11 Regulations for use of storage allocated for flood control or navigation and/or project operation at reservoirs subject to prescription of rules and regulations by the Secretary of the Army in the interest of flood control and navigation.

* * * * *

(e) * * *

LIST OF PROJECTS

[Non-Corps projects with Corps regulation requirements]

Project name [1] (1)	State (2)	County (3)	Stream [1] (4)	Project purpose [2] (5)	Storage 1000 AF (6)	Elev limits feet M.S.L. Upper (7)	Elev limits feet M.S.L. Lower (8)	Area in acres Upper (9)	Area in acres Lower (10)	Authorizing legis. [3] (11)	Proj. owner [4] (12)
Marshall Ford Dam & Res.	TX	Travis	Colorado R	F	779.8	714.0	681.0	29060	18955	PL 73–392	LCRA.
				NEIM	810.5	681.0	618.0	18955	8050	PL 78–534	

[1] Cr—Creek; CS—Control Structure; Div—Diversion; DS—Drainage Structure; FG—Floodgate; Fk—Fork; GIWW—Gulf Intercoastal Waterway; Lk—Lake; L&D—Lock & Dam; PS—Pump Station; R—River; Res—Reservoir.

[2] F—Flood Control; N—Navigation; P—Corps Hydropower; E—Non Corps Hydropower; I—Irrigation; M—Municipal and/or Industrial Water Supply; C—Fish and Wildlife Conservation; A—Low Flow Augmentation or Pollution Abatement; R—Recreation; Q—Water Quality or Silt Control.

[3] FCA—Flood Control Act; FERC—Federal Energy Regulatory Comm; HD—House Document; PL—Public Law; PW—Public Works; RHA—River & Harbor Act; SD—Senate Document; WSA—Water Supply Act.

[4] Appl Pwr—Appalachian Power; Chln PUD—Chelan Cnty PUD 1; CLPC—CT Light & Power Co; Dgls PUD—Douglas Cnty PUD 1; DWR—Department of Water Resources; EB–MUD—East Bay Municipal Utility Dist; GRD—Grand River Dam Auth; Grnt PUD—Grant Cnty PUD 2; Hnbl—city of Hannibal; LCRA—Lower Colorado River Authority; M&T Irr—Modesto & Turlock Irr; Mrcd Irr—Merced Irr; NEPC—New England Power Co; Pgnt P&L—Pugent Sound Power & Light; Ptmc Comm—Upper Potomac R Comm; Rclm B—Reclamation Board; Rkfd—city of Rockford; Sttl—city of Seattle; Tac—City of Tacoma; Vale USBR—50% Vale Irr 50% USBR; WF&CWID—City of Wichita Falls and Wichita Cnty Water Improvement District No. 2; WMEC—Western MA Electric Co; YCWA—Yuba City Water Auth; Yolo FC&W—Yolo Flood Control & Water Conserv Dist.

* * * * * * *

■ 3. Revise § 208.19 to read as follows:

§ 208.19 Marshall Ford Dam and Reservoir (Mansfield Dam and Lake Travis), Colorado River, Texas.

In the interest of flood control, the Lower Colorado River Authority (LCRA) shall operate the Marshall Ford Dam and Reservoir in accordance with the water control plan of regulation most recently approved by the U.S. Army Corps of Engineers (USACE), effective on the date specified in the approval. Information regarding the most recently approved water control plan of regulation may be obtained by contacting the LCRA offices in Austin, Texas, or the offices of the U.S. Army Corps of Engineers, Fort Worth Engineer District, in Fort Worth, Texas.

Dated: December 13, 2013.

James C. Dalton,

Chief of Engineering and Construction, U.S. Army Corps of Engineers.

[FR Doc. 2013–30497 Filed 12–20–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 600

[CMS–2380–PN]

Basic Health Program: Proposed Federal Funding Methodology for Program Year 2015

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed methodology.

SUMMARY: This document provides the methodology and data sources necessary to determine federal payment amounts made to states that elect to establish a Basic Health Program certified by the Secretary under section 1331 of the Patient Protection and Affordable Care Act (the Affordable Care Act) to offer health benefits coverage to low-income individuals otherwise eligible to purchase coverage through Affordable Insurance Exchanges.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on January 22, 2014.

ADDRESSES: In commenting, refer to file code CMS–2380–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2380–PN, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2380–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written ONLY to the following addresses: a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Christopher Truffer, (410) 786–1264; or Jessica Schubel, (410) 786–3032.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

Table of Contents

I. Background

The Affordable Care Act provides for the establishment of state Affordable Insurance Exchanges (Exchanges, also called the Health Insurance Marketplace) that provide access to affordable health insurance coverage offered by qualified health plans (QHPs) for most individuals under age 65 who are not eligible for health coverage under other federally supported health benefits programs or through affordable employer-sponsored insurance coverage, and who have incomes above 100 percent of the federal poverty line (FPL), or whose income is below that level but are lawfully present non-citizens ineligible for Medicaid because of immigration status. Individuals enrolled through Exchanges in coverage offered by QHPs with incomes below 400 percent of the FPL may qualify for the federal premium tax credit (PTC) and federally-funded cost-sharing reductions (CSRs) based on their household income, to ensure that such coverage meets certain standards for affordability.

In the states that elect to operate a Basic Health Program (BHP), BHP will make affordable health benefits coverage available for individuals under age 65 with household incomes between 133 percent and 200 percent of the FPL who are not otherwise eligible for Medicaid, the Children's Health Insurance Program (CHIP), or affordable employer sponsored coverage. (For many states, the lower income threshold for BHP eligibility is effectively 138 percent due to the application of a required 5 percent income disregard in determining the upper limits of Medicaid income eligibility.) Federal funding would be available for BHP based on the amount of PTC and CSRs that BHP enrollees would have received had they been enrolled in QHPs through Exchanges.

In the September 25, 2013 **Federal Register** (78 FR 59122), we published a proposed rule entitled the "Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity" proposed rule (hereinafter referred to as the BHP proposed rule) implementing section 1331 of the Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010), together with the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), enacted on March 30, 2010 collectively referred as the Affordable Care Act, which requires the establishment of BHP. The BHP proposed rule proposes to establish the requirements for state and federal administration of BHP, including provisions regarding eligibility and enrollment, benefits, cost-sharing requirements and oversight activities. While the BHP proposed rule proposed to codify the overall statutory requirements and basic procedural framework for the funding methodology, it does not contain the specific information necessary to determine federal payments. We anticipated that the methodology would be based on

data and assumptions that would reflect ongoing operations and experience of BHP programs as well as the operation of the Exchanges. For this reason, the BHP proposed rule indicated that the development and publication of the funding methodology, including any data sources, would be addressed in a separate annual Payment Notice process.

In the BHP proposed rule, we proposed that the BHP Payment Notice process would include the annual publication of both a proposed and final BHP Payment Notice. The proposed BHP Payment Notice would be published in the **Federal Register** each October, and would describe the proposed methodology for the upcoming BHP program year, including how the Secretary considered the factors specified in section 1331(d)(3) of the Affordable Care Act, along with the proposed data sources used to determine the federal BHP payment rates. The final BHP Payment Notice would be published in the **Federal Register** in February, and would include the final BHP funding methodology, as well as the federal BHP payment rates for the next BHP program year. For example, payment rates published in February 2015 would apply to BHP program year 2016, beginning in January 2016. State data, as discussed further below, needed to calculate the federal BHP payment rates for the final BHP Payment Notice must be submitted to CMS.

Once the final methodology has been published, no modifications to the methodology will occur during the program year. As described in the BHP proposed rule, we will only make modifications to the BHP funding methodology on a prospective basis. Adjustments could be made to the payment rates to correct errors in applying the methodology (such as mathematical errors).

Under section 1331(d)(3)(ii) of the Affordable Care Act, the funding methodology and payment rates are expressed as an amount per BHP enrollee for each month of enrollment, and could vary based on categories or classes of enrollees. Actual payment to a state would depend on the actual enrollment in coverage through the state BHP. A state that is approved to implement BHP will be required to provide data showing quarterly enrollment corresponding to the federal BHP payment rate cells. The data submission requirements associated with this will be provided in a future CMS notice.

Given that BHP will be available for states to implement effective January 1, 2015, we intend to modify the publication dates of the BHP Payment Notices for the first year of BHP implementation. Specifically, we intend to publish the final BHP Payment Notice, which will contain the final 2015 BHP funding methodology and payment rates, concurrently with our intended schedule to publish the final BHP regulation in March 2014.

II. Provisions of the Proposed Methodology

A. Overview of the Funding Methodology and Calculation of the Payment Amount

Section 1331(d)(3) of the Affordable Care Act directs the Secretary to consider several factors when determining the federal BHP payment amount, which, as specified in the statute, must equal 95 percent of the value of the PTC and CSRs that BHP enrollees would have been provided had they enrolled in a QHP through an Exchange. Thus, the proposed BHP funding methodology is designed to calculate the PTC and CSRs as consistently as possible and in general alignment with the methodology used by Exchanges to calculate the advance payments of the PTC and CSRs, and by the Internal Revenue Service (IRS) to calculate final PTCs. In general, we propose to rely on values for factors in the payment methodology specified in statute or other regulations as available, and we propose to develop values for other factors not otherwise specified in statute, or previously calculated in other regulations, to simulate the values of the PTC and CSRs that BHP enrollees would have received if they had enrolled in QHPs offered through an Exchange. In accordance with section 1331(d)(3)(A)(iii) of the Affordable Care Act, the final funding methodology must be certified by the Chief Actuary of CMS, in consultation with the Office of Tax Analysis of the Department of the Treasury, as having met the requirements of section 1331(d)(3)(A)(ii) of the Affordable Care Act.

Section 1331(d)(3)(A)(ii) of the Affordable Care Act specifies that the payment determination "shall take into account all relevant factors necessary to determine the value of the premium tax credits and cost-sharing reductions that would have been provided to eligible individuals . . . including the age and income of the enrollee, whether the enrollment is for self-only or family coverage, geographic differences in average spending for health care across rating areas, the health status of the enrollee for purposes of determining risk adjustment payments and reinsurance payments that would have been made if the enrollee had enrolled in a qualified health plan through an Exchange, and whether any reconciliation of the credit or cost-sharing reductions would have occurred if the enrollee had been so enrolled." The proposed payment methodology takes each of these factors into account.

We propose that the total federal BHP payment amount would be based on multiple "rate cells" in each state. Each "rate cell" would represent a unique combination of age range, geographic area, coverage category (for example, self-only or two-adult coverage through BHP), household size, and income range as a percentage of FPL. Thus, there would be distinct rate cells for individuals in each coverage category within a particular age range who reside in a specific geographic rating area and are in households of the same size and income range. We note that for states that do not use age as a rating factor on the Exchange, the BHP payment rates would be consistent with those states' Exchange rules. Thus, for a state that does not use age as a rating factor on the Exchange, the BHP payment rates would not vary by age.

The proposed rate for each rate cell would be calculated in two parts. The first part would equal 95 percent of the estimated PTC that would have been paid if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. The second part would equal 95 percent of the estimated CSR payment that would have been made if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. These two parts would be added together and the total rate for that rate cell would be equal to the sum of the PTC and CSR rates.

We propose that Equation (1) would be used to calculate the estimated PTC for individuals in each rate cell and Equation (2) would be used to calculate the estimated CSR payments for individuals in each rate cell. By applying the equations separately to rate cells based on age, income and other factors, we would effectively take those factors into account in the calculation. In addition, the equations would reflect the estimated experience of individuals in each rate cell if enrolled in coverage through the Exchange, taking into account additional relevant variables. Each of the variables in the equations is defined below, and further detail is provided later in this section of the payment notice.

In addition, we describe how we propose to calculate the adjusted reference premium (described later in this section of the payment notice) that

is used in Equations (1) and (2). This is defined below in Equation (3). This calculation would take into account a number of variables, including a premium trend factor to adjust currently available premium rates to estimate the rate for the applicable BHP program year.

1. Equation 1: Estimated PTC by Rate Cell

We propose that the estimated PTC, on a per enrollee basis, would be calculated for each rate cell for each state based on age range, geographic area, coverage category, household size, and income range. The PTC portion of the rate would be calculated in a manner consistent with the methodology used to calculate the PTC for persons enrolled in a QHP, with three adjustments. First, the PTC portion of the rate for each rate cell would represent the mean, or average, expected PTC that all persons in the rate cell would receive, rather than being calculated for each individual enrollee. Second, the reference premium used to calculate the PTC (described in more detail later in the section) would be adjusted for BHP population health status and for the projected change in the premium from the current year (that is, the year of the final payment notice) to the following year, to which the rates announced in the final payment notice would apply. These adjustments are described in Equation (3) below. Third, the PTC would be adjusted prospectively to reflect the mean, or average, net expected impact of income reconciliation on the combination of all persons enrolled in BHP; this adjustment, as described further below, would account for the impact on the PTC that would have occurred had such reconciliation been performed. Finally, the rate is multiplied by 95 percent, consistent with section 1331(d)(3)(A)(i) of the Affordable Care Act. We note that in the situation where the average income contribution of an enrollee would exceed the adjusted reference premium, we would calculate the PTC to be equal to 0 and not let the PTC be negative.

We are soliciting comments regarding the methodology that we are proposing to calculate the value of PTC rate, which is defined in Equation (1):

$$\textbf{Equation (1):}\ PTC_{a,g,c,h,i} = \left[ARP_{a,g,c} - \frac{\sum_j I_{h,i,j} \times PTCF_{h,i,j}}{n}\right] \times IRF \times 95\%$$

$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$I_{h,i,j}$ = Income (in dollars per month) at each 1 percentage-point increment of FPL
$j = j^{th}$ percentage-point increment FPL
n = Number of income increments used to calculate the mean PTC
$PTCF_{h,i,j}$ = Premium Tax Credit Formula percentage
IRF = Income reconciliation factor

2. Equation 2: Estimated CSR Payment by Rate Cell

We propose that the CSR portion of the rate would be calculated for each rate cell for each state based on age range, geographic area, coverage category, household size, and income range defined as a percentage of FPL. The CSR portion of the rate would be calculated in a manner consistent with the methodology used to calculate the prospective CSR advance payments for persons enrolled in a QHP, as described in the HHS Notice of Benefit and Payment Parameters for 2015 proposed rule, with three principal adjustments. (We further propose a separate calculation that includes different adjustments for American Indian/Alaska Native BHP enrollees, as described in section E.) For the first adjustment, the CSR rate, like the PTC rate, would represent the mean, or average, expected CSR subsidy that would be paid on behalf of all persons in the rate cell, instead of the CSR subsidy being calculated for each individual enrollee. Second, this calculation would be based on the adjusted reference premium, as described below. Third, as explained earlier, this equation uses an adjusted reference premium that reflects premiums charged to non-tobacco users, rather than the actual premium that is charged to tobacco users to calculate CSR advance payments for tobacco users enrolled in a QHP. Accordingly, we propose that the equation include a tobacco rating adjustment factor that would account for BHP enrollees' estimated tobacco-related health costs that are outside the premium charged to non-tobacco-users. As a practical matter, this would only affect states that allow tobacco use as a rating factor. Finally, the rate would be multiplied by 95 percent, as provided in section 1331(d)(3)(A)(i) of the Affordable Care Act. We propose using Equation (2) to calculate the CSR rate, consistent with the methodology described above.

$$\textbf{Equation (2):}\ CSR_{a,g,c,h,i} = ARP_{a,g,c} \times TRAF \times FRAC \div AV \times IUF_{h,i} \times \Delta AV_{h,i} \times 95\%$$

$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$TRAF$ = Tobacco rating adjustment factor
$FRAC$ = Factor removing administrative costs
AV = Actuarial value of plan (as percentage of allowed benefits covered by the applicable QHP without a cost-sharing reduction subsidy)
$IUF_{h,i}$ = Induced utilization factor
$\Delta AV_{h,i}$ = Change in actuarial value (as percentage of allowed benefits)

3. Equation 3: Adjusted Reference Premium Variable (Used in Equations 1 and 2)

As part of these calculations for both the PTC and CSR components, we propose to calculate the value of the adjusted reference premium, described below, as specified in Equation (3). The adjusted reference premium would be equal to the reference premium, which would be based on the second lowest cost silver plan premium, multiplied by the premium trend factor, which would reflect the projected change in the premium level between the current year and the next year (including the estimated impact of changes resulting from the transitional reinsurance program established in section 1341 of the Affordable Care Act), and the BHP population health factor, described

below in section D, which would reflect the projected impact that enrolling BHP-eligible individuals in QHPs on an Exchange would have had on the average QHP premium.

$$\textbf{Equation (3):}\ ARP_{a,g,c} = RP_{a,g,c} \times PTF \times PHF$$

$ARP_{a,g,c}$ = Adjusted reference premium
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
$RP_{a,g,c}$ = Reference premium
PTF = Premium trend factor
PHF = Population health factor

4. Equation 4: Determination of Total Monthly Payment for BHP Enrollees in Each Rate Cell

In general, the rate for each rate cell would be multiplied by the number of BHP enrollees in that cell (that is, the number of enrollees that meet the criteria for each rate cell) to calculate the total monthly BHP payment. This calculation is shown in Equation 4 below.

$$\textbf{Equation (4):}\ PMT = \sum\left[\left(PTC_{a,g,c,h,i} + CSR_{a,g,c,h,i}\right) \times E_{a,g,c,h,i}\right]$$

PMT = Total monthly BHP payment
$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
$E_{a,g,c,h,i}$ = Number of BHP enrollees
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)

B. Required Rate Cells

We propose that a state implementing BHP provide us an estimate of the number of BHP enrollees it projects will enroll in the upcoming BHP program year, by applicable rate cell, prior to the first quarter of program operations. Upon our approval of such estimates as reasonable, they would be used to calculate the prospective payment for the first and subsequent quarters of program operation until the state has provided us actual enrollment data. These data would be required to calculate the final BHP payment amount, and make any necessary reconciliation adjustments to the prior quarters' prospective payment amounts due to differences between projected and actual enrollment. Subsequent quarterly deposits to the state's trust fund would be based on the most recent actual enrollment data submitted to us. Procedures will ensure that federal payments to a state reflect actual BHP enrollment during a year, within each applicable category, and prospectively determined federal payment rates for each category of BHP enrollment, with such categories defined in terms of age range, geographic area, coverage status, household size, and income range, as explained above.

We propose requiring the use of certain rate cells as part of the proposed methodology. For each state, we propose using rate cells that separate the BHP population into separate cells based on the five factors described below.

Factor 1—Age: We propose separating enrollees into rate cells by age, using the following age ranges that capture the widest variations in premiums under HHS's Default Age Curve: [1]

- Ages 0–20.
- Ages 21–44.
- Ages 45–54.
- Ages 55–64.

Factor 2—Geographic area: For each state, we propose separating enrollees into rate cells by geographic areas within which a single reference premium is charged by QHPs offered through the state's Exchange. Multiple, non-contiguous geographic rating areas would be incorporated within a single cell, so long as those areas share a common reference premium.[2]

Factor 3—Coverage status: We propose separating enrollees into rate cells by coverage status, reflecting whether an individual is enrolled in self-only coverage or persons are enrolled in family coverage through BHP, as provided in section 1331(d)(3)(A)(ii) of the Affordable Care Act. Among recipients of family coverage through BHP, separate rate cells, as explained below, would apply based on whether such coverage involves two adults alone or whether it involves children.

Factor 4—Household size: We propose separating enrollees into rate cells by household size that states use to determine BHP enrollees' income as a percentage of the FPL under proposed 42 CFR 600.320. We are proposing to require separate rate cells for several specific household sizes. For each additional member above the largest specified size, we propose to publish instructions for how to develop additional rate cells and calculate an appropriate payment rate based on data for the rate cell with the closest specified household size. We are currently proposing to publish separate rate cells for household sizes 1, 2, 3, 4, and 5, as unpublished analyses of American Community Survey data conducted by the Urban Institute, which take into account unaccepted offers of employer-sponsored insurance as well as income, Medicaid and CHIP eligibility, citizenship and immigration status, and current health coverage status, find that less than 1 percent of

[1] This curve is used to implement the Affordable Care Act's 3:1 limit on age-rating in states that do not create an alternative rate structure to comply with that limit. The curve applies to all individual market plans, both within and outside the Exchange. The age bands capture the principal allowed age-based variations in premiums as permitted by this curve. More information can be found at *http://www.cms.gov/CCIIO/Resources/Files/Downloads/market-reforms-guidonce-2-25-2013.pdf*. Both children and adults under age 21 are charged the same premium. For adults age 21–64, the age bands in this document divide the total age-based premium variation into the three most equally-sized ranges (defining size by the ratio between the highest and lowest premiums within the band) that are consistent with the age-bands used for risk-adjustment purposes in the HHS-Developed Risk Adjustment Model. For such age bands, see Table 5, "Age-Sex Variables," in HHS-Developed Risk Adjustment Model Algorithm Software, May 7, 2013, *http://www.cms.gov/CCIIO/Resources/Regulotions-ond-Guidance/Downloods/ra_tables_04_16_2013xlsx.xlsx*.

[2] For example, a cell within a particular state might refer to "County Group 1," "County Group 2," etc., and a table for the state would list all the counties included in each such group. These geographic areas are consistent with the geographic rating areas established under the 2014 Market Reform Rules. They also reflect the service area requirements applicable to qualified health plans, as described in 45 CFR § 155.1055, except that service areas smaller than counties are addressed as explained below.

all BHP-eligible persons live in households of size 5 or greater.

Factor 5—Income: For households of each applicable size, we propose creating separate rate cells by income range, as a percentage of FPL. The PTC that a person would receive if enrolled in a QHP varies by income, both in level and as a ratio to the FPL, and the CSR varies by income as a percentage of FPL. Thus, we propose that separate rate cells would be used to calculate federal BHP payment rates to reflect different bands of income measured as a percentage of FPL. We propose using the following income ranges, measured as a ratio to the FPL:

- 0 To 50 percent of the FPL.
- 51 to 100 percent of the FPL.
- 101 to 138 percent of the FPL.[3]
- 139 to 150 percent of the FPL.
- 151 to 175 percent of the FPL.
- 176 to 200 percent of the FPL.

These rate cells would only be used to calculate the federal BHP payment amount. A state implementing BHP would not be required to use these rate cells or any of the factors in these rate cells as part of the state payment to the standard health plans participating in BHP or to help define BHP enrollees' covered benefits, premium costs, or out-of-pocket cost-sharing levels.

We propose using averages to define federal payment rates, both for income ranges and age ranges, rather than varying such rates to correspond to each individual BHP enrollee's age and income level. We believe that the proposed approach will increase the administrative feasibility of making federal BHP payments and reduce the likelihood of inadvertently erroneous payments resulting from highly complex methodologies. We believe that this approach should not significantly change federal payment amounts, as within applicable ranges, the BHP-eligible population is distributed relatively evenly.

We welcome comments on whether these are the appropriate factors for developing rate cells, whether there are other factors that should be considered as part of developing the rate cells, whether the ranges or categories specified above (including the width of the age bands) are appropriate, and whether (as proposed) we should assume even distributions, by age and income, in each cell or modify those distributions to reflect data about the precise distribution of BHP-eligible individuals. We also welcome comments on the form in which federal payment rates are displayed. Given the number of rating factors used to calculate the BHP payments, we would welcome comments if producing a smaller subset of tables would be more useful than a more complete set of tables; in no case would the choices about the list of rates to publish affect the actual calculation of the payment rate.

[3] The three lowest income ranges would be limited to lawfully present immigrants who are ineligible for Medicaid because of immigration status.

C. Sources and State Data Considerations

To the extent possible, we intend to use data submitted to the federal government by QHP issuers seeking to offer coverage through an Exchange to perform the calculations that determine federal BHP payment cell rates.

States operating a State Based Exchange (SBE) in the individual market, however, must provide certain data, including premiums for second lowest cost silver plans, by geographic area, in order for CMS to calculate the federal BHP payment rates in those states. An SBE state interested in obtaining the applicable federal BHP payment rates for its state must submit such data accurately, completely, and as specified by CMS, by no later than January 20, 2014, in order for CMS to calculate the applicable rates and include them in the intended publication of the final BHP Payment Notice for 2015. If additional state data (that is, in addition to the second lowest cost silver plan premium data) are needed to determine the federal BHP payment rate, such data must be submitted in a timely manner, and in a format specified by CMS to support the development and timely release of annual BHP payment notices. The specifications for data collection to support the development of BHP payment rates for 2015 will be published in a separate CMS notice.

If a state operating a SBE provides the necessary data accurately, completely, and as specified by CMS, but after the date specified above, we anticipate publishing federal payment rates for such a state in a subsequent Payment Notice. As noted in the BHP proposed rule, a state may elect to implement its BHP after a program year has begun. In such an instance, we propose that the state, if operating a SBE, submit its data no later than 30 days after the Blueprint submission for CMS to calculate the applicable federal payment rates. We further propose that the BHP Blueprint itself must be submitted for Secretarial certification with an effective date of no sooner than 120 days after submission of the BHP Blueprint. In addition, the state must ensure that its Blueprint include a detailed description of how the state will coordinate with other insurance affordability programs to transition and transfer BHP-eligible individuals out of their existing QHP coverage, consistent with the requirements set forth in proposed in 42 CFR 600.330 and § 600.425. We believe that this 120-day period is necessary to establish the requisite administrative structures and ensure that all statutory and regulatory requirements are satisfied.

D. Discussion of Specific Variables Used in Payment Equations

1. Reference Premium (RP)

In order to calculate the estimated PTC that would be paid if individuals enrolled in QHPs through the Exchange, we must calculate a reference premium (RP) because the PTC is based, in part, on the premiums for the second lowest cost silver plan as explained below in section II.C.5 regarding the Premium Tax Credit Formula (PTCF). Accordingly, for the purposes of calculating the BHP payment rates, the reference premium, in accordance with 26 U.S.C. 36B (b)(3)(C), is defined as the adjusted monthly premium for an applicable second lowest cost silver plan. The applicable second lowest cost silver plan is defined in 26 U.S.C. 36B (b)(3)(B) as the second lowest cost silver plan of the individual market in the rating area in which the taxpayer resides, which is offered through the same Exchange.

The reference premium would be the premium applicable to non-tobacco users. This is consistent with the provision in 26 U.S.C. 36B (b)(3)(C) that bases the PTC on premiums that are adjusted for age alone, without regard to tobacco use, even for states that allow insurers to vary premiums based on tobacco use pursuant to 42 U.S.C. 300gg (a)(1)(A)(iv).

Consistent with the policy set forth in 26 CFR 1.36B–3(f)(6) to calculate the PTC for those enrolled in a QHP through an Exchange, we propose not to update the payment methodology, and subsequently the federal BHP payment rates, in the event that the second lowest cost silver plan used as the reference premium changes (that is, terminates or closes enrollment during the year).

The applicable second lowest cost silver plan premium will be included in the BHP payment methodology by age range, geographic area, and self-only or applicable category of family coverage obtained through BHP.

We would note that the choice of the second lowest cost silver plan for

calculating BHP payments would rely on several simplifying assumptions in its selection. For the purposes of determining the second lowest cost silver plan for calculating PTC for a person enrolled in a QHP through an Exchange, the applicable plan may differ for various reasons. For example, a different second lowest cost silver plan may apply to a family consisting of two adults, their child, and their niece than to a family with two adults and their children, because one or more QHPs in the family's geographic area might not offer family coverage that includes the niece. We believe that it would not be possible to replicate such variations for calculating the BHP payment and believe that in aggregate they would not result in a significant difference in the payment. Thus, we propose to use the second lowest cost silver plan available to any enrollee for a given age, geographic area, and coverage category.

This choice of reference premium relies on two assumptions about enrollment in the Exchanges. First, we assume that all persons enrolled in BHP would have elected to enroll in a silver level plan if they had instead enrolled in a QHP through the Exchanges. It is possible that some persons would have chosen not to enroll at all or would have chosen to enroll in a different metal-level plan (in particular, a bronze level plan with a premium that is less than the PTC for which the person was eligible). We do not believe it is appropriate to adjust the payment for an assumption that some BHP enrollees would not have enrolled in QHPs for purposes of calculating the BHP payment rates, since Affordable Care Act section 1331(d)(3)(A)(ii) requires the calculation of such rates as "if the enrollee had enrolled in a qualified health plan through an Exchange."

Second, we assume that, among all available silver plans, all persons enrolled in BHP would have selected the second-lowest cost plan. Both this and the prior assumption allow an administratively feasible determination of federal payment levels. They also have some implications for the CSR portion of the rate. If persons were to have enrolled in a bronze level plan through the Exchange, they would not be eligible for the CSR, unless they were an eligible American Indian or Alaska Native; thus, assuming that all persons enroll in silver level plan, rather than a plan with a different metal level, would increase the BHP payment. Assuming that all persons enroll in the second lowest cost silver plan for the purposes of calculating the CSR portion of the rate may result in a different level of CSR payments than would have been paid if the persons were enrolled in different silver level plans on the Exchanges (with either lower or higher premiums). We believe it would not be reasonable at this point to estimate how BHP enrollees would have enrolled in different silver level QHPs, and thus propose to use the second lowest cost silver plan as the basis for the reference premium and calculating the CSR portion of the rate. For American Indian/Alaska Native BHP enrollees, we propose to use the lowest cost bronze plan as the basis for the reference premium as described further in section E.

The applicable age bracket will be one dimension of each rate cell. We propose to assume a uniform distribution of ages and estimate the average premium amount within each rate cell. We believe that assuming a uniform distribution of ages within these ranges is a reasonable approach and would produce a reliable determination of the PTC and CSR components. We also believe this approach would avoid potential inaccuracies that could otherwise occur in relatively small payment cells if age distribution were measured by the number of persons eligible or enrolled. We propose to use the same geographic areas as specified for the Exchanges in each state within which the same second lowest cost silver level premium is charged. Although plans are allowed to serve geographic areas smaller than counties after obtaining our approval, we propose that no geographic area, for purposes of defining BHP payment rate cells, will be smaller than a county. We do not believe that this assumption will have a significant impact on federal payment levels and it would likely simplify both the calculation of BHP payment rates and the operation of BHP.

Finally, in terms of the coverage category, we propose that federal payment rates only recognize self-only and two-adult coverage, with exceptions that account for children who are potentially eligible for BHP. First, in states that set the upper income threshold for children's Medicaid and CHIP eligibility below 200 percent of FPL (based on modified adjusted gross income), children in households with incomes between that threshold and 200 percent of FPL would be potentially eligible for BHP. Currently, the only states in this category are Arizona, Idaho, and North Dakota.[4] Second, BHP would include lawfully present immigrant children with incomes at or below 200 percent of FPL in states that have not exercised the option under the sections 1903(v)(4)(A)(ii) and 2107(e)(1)(E) of the Social Security Act (the Act) to qualify all otherwise eligible, lawfully present immigrant children for Medicaid and CHIP. States that fall within these exceptions would be identified based on their Medicaid and CHIP State Plans, and the rate cells would include appropriate categories of BHP family coverage for children. For example, Idaho's Medicaid and CHIP eligibility is limited to families with MAGI at or below 185 percent FPL. If Idaho implemented BHP, Idaho children with incomes between 185 and 200 percent could qualify. In other states, BHP eligibility will generally be restricted to adults, since children who are citizens or lawfully present immigrants and who live in households with incomes at or below 200 percent of FPL will qualify for Medicaid or CHIP and thus be ineligible for BHP under section 1331 (e)(1)(C) of the Affordable Care Act, which limits BHP to individuals who are ineligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986).

[4] CMCS. "State Medicaid and CHIP Income Eligibility Standards Effective January 1, 2014."

2. Premium Trend Factor (PTF)

In Equation 3, we calculate an adjusted reference premium (ARP) based on the application of certain relevant variables to the reference premium (RP), including a premium trend factor (PTF). At the time we issue the final federal payment notice, the adjusted monthly premium for the applicable second lowest cost silver plan will be known only for the year prior to the applicable BHP program year. For example, when federal payments are set for the 2015 BHP program year, the adjusted monthly premium for the applicable second lowest cost silver plan will be known only for 2014. It is appropriate to apply a factor that would account for the change in health care costs between the year of the premium data and the BHP plan year. We are defining this as the premium trend factor in the BHP payment methodology. This factor should approximate the change in health care costs per enrollee, which would include, but is not limited to, changes in the price of health care services and changes in the utilization of health care services. This would provide an estimate of the adjusted monthly premium for the applicable second lowest cost silver plan that would be more accurate and reflective of health care costs in the BHP program year, which will be the year following

issuance of the final federal payment notice.

There are several ways to develop this factor. One option would be to use a projection of national health care cost trends on a per capita or a per enrollee basis. Other options include using historical trends from Exchanges once available—for example, the average annual rate of growth of the applicable second lowest cost silver plans over the last 5 years, or the projected change in national health care cost trends, adjusted for observed differences between growth rates experienced by such silver plans and those for private health insurance expenditures overall.

In addition, we believe that it is appropriate to adjust the trend factor for the estimated impact of changes to the transitional reinsurance program on the average QHP premium. To the extent that changes in the operation of that program will affect QHP premiums in predictable ways that go beyond private insurance cost trends as a whole, such changes will be incorporated into the premium trend factor.

We believe that for the 2015 BHP program year the most reliable and appropriate approach would use projected national health care cost trends. Therefore, we propose to use the annual growth rate in private health insurance expenditures per enrollee from the National Health Expenditure projections. The National Health Expenditure Accounts and Projections are developed annually by the Office of the Actuary of CMS. Over the last 10 years, the average annual increase in private health insurance premiums per enrollee has been 6.55 percent per year, ranging from 3.22 percent to 11.55 percent.

Future changes in private health insurance premiums per enrollee may differ from historical experience for many reasons, including changes in use of health care services, provider reimbursement rates, net costs of insurance, the health status of the people with private health insurance, and the demographics of the U.S. population. Moreover, the change in the cost of the premium of the second lowest cost silver plan may differ from the increase in the average private health insurance premium; in particular, the second lowest cost silver plan in a region may be offered by different insurers year to year. There may also be some differences between the rate of premium increases in QHPs on the Exchanges and other forms of private health insurance (for example, employer-sponsored insurance). In addition, there may be regional differences in the change in health care premiums (that is, different regions of the country may see premium increases smaller or larger than the national average).

In future years, we propose to evaluate whether historical data and projections related specifically to the QHPs offered on the Exchanges at a national level could produce a more reliable estimate of future changes to QHP reference premiums, compared to historical data and projections for private insurance in general.

We particularly invite comments concerning methods for addressing significant changes in the cost of the second lowest cost silver plan premium in a geographic rating area from one year to the next, due to changes in local Exchange structure rather than broader trends in health insurance costs. For example, if a certain second lowest cost silver plan offered on an Exchange serves a particular geographic rating area in one year but not the next, the identity of the second lowest cost plan in that area could change, with potentially significant effects on PTC amounts. Such changes would not be captured using the kind of premium trend factor discussed here.

3. Population Health Factor (PHF)

We considered including an explicit population health factor in each rate cell that varies based on the characteristics of BHP enrollees within that cell, but we are not proposing such a variable, for several reasons. We believe that because BHP-eligible consumers' are eligible to enroll in QHPs in 2014, the 2014 QHP premiums already account for the health status of BHP-eligible consumers, as explained in further detail below. Also, the function of this factor is to provide a reference premium amount that reflects the premiums that QHPs would have charged without the implementation of BHP, taking into account both the risk profile of BHP-eligible consumers in the state and the operation of risk-adjustment and reinsurance mechanisms in the Exchanges. Our proposed approach to the population health factor seeks to achieve this goal based on the characteristics of the state's BHP-eligible consumers as a whole.

In the BHP proposed rule, we described in preamble what we believed to be the most appropriate approach to account for potential differences in health status between BHP enrollees and consumers in the individual market, including those obtaining coverage through the Exchange—that is, including a risk adjustment factor in the BHP funding methodology. We believe that it is appropriate to consider whether or not to develop a population health adjustment to account for potential differences in health status between persons eligible for BHP and those enrolled in the individual market, as the two populations may not have the same average health status.

Accordingly, we have considered applying a population-wide adjustment for health status in the BHP payment calculation to account for the impact on a state's Exchange premiums, hence the PTC and the value of CSRs, of changes to average risk levels in the state's individual market that result from BHP implementation. Our proposed approach to the adjustment for population health status seeks to have the federal BHP payment reflect the premium that would have been charged if BHP-eligible consumers were allowed to purchase QHPs in their state's Exchange, rather than the premium that is being charged in the Exchange without the inclusion of BHP consumers. This factor would be greater than 1.00 if BHP enrollees in a state are, on average, in poorer health status than those covered through the state's individual market, and thus Exchange premiums would have been higher had the state not implemented BHP. This factor would be less than 1.00 if BHP enrollees in a state are, on average, in better health status than those covered through the state's individual market, and thus Exchange premiums would have been lower if the state had not implemented BHP.

We propose that the population health adjustment for the 2015 BHP program year would equal 1.00. Most BHP-eligible consumers will be able to purchase coverage in the individual market during 2014, or the "measurement year"—that is, the year that precedes implementation of BHP and that provides the basis for estimating unadjusted reference premiums; thus, making no adjustment to the premiums for differences in BHP-eligible enrollees' health would be appropriate. As a result, BHP-eligible consumers' health status is already included in the premiums that would be used to calculate the federal BHP payment rates.

In states where significant numbers of BHP-eligible persons are covered outside of the individual market in 2014, it may be possible to estimate differences in expected health status between persons who are eligible for BHP and persons otherwise eligible for coverage in the individual market. However, we believe that the different levels of federal subsidies based on household income for coverage for persons enrolled in a QHP through an

Exchange may have a substantial influence on the participation rate of enrollees. This may result in relatively healthier persons with higher levels of subsidies enrolling in coverage, and this effect may partially or entirely offset some other differences in the health status between BHP-eligible persons and those otherwise covered in the individual market.

On the Exchanges, premiums in most states will vary based on age, which research has shown is directly correlated to average health cost. Because the reference premium used to calculate BHP federal payment rates will vary by age, some of the difference in average health costs would be addressed by this approach to calculating the BHP payment. However, this does not further simplify the task of estimating the remaining adjustment needed to compensate for any impact of BHP implementation on average risk levels in the state's individual market. Given these analytic challenges, the existing role played by age-rated premiums in compensating for risk, and the limited data about Exchange coverage and the characteristics of BHP-eligible consumers that will available by the time we establish federal payment rates for 2015, we believe that the most appropriate adjustment for 2015 would be 1.00, including in states that cover BHP-eligible persons outside the individual market in 2014. We anticipate that, in future years, when additional data become available about Exchange coverage and the characteristics of BHP enrollees, we may estimate this factor differently. We invite comment on whether methods are currently available to accurately and reliably estimate this factor for 2015, in general and in states that will cover BHP-eligible persons outside their individual markets in 2014.

Finally, while the statute requires consideration of risk adjustment payments and reinsurance payments insofar as they would have affected the PTC and CSRs that would have been provided to BHP-eligible individuals had they enrolled in QHPs, this does not mean that a BHP program's standard health plans receive such payments. As explained in the BHP proposed rule, BHP standard health plans are not included in the risk adjustment program operated by HHS on behalf of states. Further, standard health plans do not qualify for payments from the transitional reinsurance program established under section 1341 of the Affordable Care Act.[5] To the extent that a state operating a BHP determines that, because of the distinctive risk profile of BHP-eligible consumers, BHP standard health plans should be included in mechanisms that share risk with other plans in the state's individual market, the state would need to use other methods for achieving this goal.

4. Income (I)

Household income is a significant determinant of the amount of the PTC and CSRs that are provided for persons enrolled in a QHP through the Exchange. Accordingly, the proposed BHP payment methodology incorporates income into the calculations of the payment rates through the use of income-based rate cells. We propose defining income in accordance with the definition of modified adjusted gross income in 26 U.S.C. 36B(d)(2)(B) and consistent with the definition in 45 CFR 155.300. Income would be measured relative to the FPL, which is updated periodically in the **Federal Register** by the Secretary of Health and Human Services under the authority of 42 U.S.C. 9902(2), based on annual changes in the consumer price index for all urban consumers (CPI–U). In our proposed methodology, household size and income as a percentage of FPL would be used as factors in developing the rate cells. We propose using the following income ranges measured as a percentage of FPL:[6]

- 0–50 percent.
- 51–100 percent.
- 101–138 percent.
- 139–150 percent.
- 151–175 percent.
- 176–200 percent.

We further propose to assume a uniform income distribution for each federal BHP payment cell. We believe that assuming a uniform income distribution for the income ranges proposed would be reasonably accurate for the purposes of calculating the PTC and CSR components of the BHP payment and would avoid potential errors that could result if other sources of data were used to estimate the specific income distribution of persons who are eligible for or enrolled in BHP within rate cells that may be relatively small. Thus, when calculating the mean, or average, PTC for a rate cell, we propose to calculate the value of the PTC at each one percentage point interval of the income range for each federal BHP payment cell and then calculate the average of the PTC across all intervals. This calculation would rely on the PTC formula described below.

As the PTC for persons enrolled in QHPs would be calculated based on their income during the open enrollment period, and that income would be measured against the FPL at that time, we propose to adjust the FPL by multiplying the FPL by a projected increase in the CPI–U between the time that the BHP payment rates are published and the QHP open enrollment period, if the FPL is expected to be updated during that time. We propose that the projected increase in the CPI–U would be based on the intermediate inflation forecasts from the most recent OASDI and Medicare Trustees Reports.[7]

5. Premium Tax Credit Formula (PTCF)

In Equation 1, we propose to use the formula described in 26 U.S.C. 36B(b) to calculate the estimated PTC that would be paid on behalf of a person enrolled in a QHP on an Exchange as part of the BHP payment methodology. This formula is used to determine the amount of premium that an individual or household would be required to pay to enroll in a QHP on an Exchange, which is based on (A) the household income; (B) the household income measured as a percentage of FPL; and (C) the schedule specified in 26 U.S.C. 36B(b)(3)(A) and shown below. The difference between the amount of premium a person or a household is required to pay and the adjusted monthly premium for the applicable second lowest cost silver plan is the estimated amount of the PTC that would be provided for the enrollee.

The PTC amount provided for a person enrolled in a QHP through an Exchange is calculated in accordance with the methodology described in 26 U.S.C. 36B(b)(2) as the amount equal to the lesser of: (A) The monthly premiums for such month of one or more QHPs offered in the individual market within a state that cover the taxpayer, the taxpayer's spouse, or any dependent (as defined in section 26 U.S.C. 152) of the taxpayer and that the taxpayer and spouse or dependents were enrolled in through an Exchange; or (B) the excess (if any) of (i) the adjusted monthly premium for such month for the

[5] See 45 CFR 153.400(a)(2)(iv) (BHP standard health plans are not required to submit reinsurance contributions), 153.20 (definition of "Reinsurance-eligible plan" as not including "health insurance coverage not required to submit reinsurance contributions"), § 153.230(a) (reinsurance payments under the national reinsurance parameters are available only for "Reinsurance-eligible plans").

[6] These income ranges and this analysis of income apply to the calculation of the PTC. Many fewer income ranges and a much simpler analysis apply in determining the value of CSRs, as specified below.

[7] See Table IV A1 from the 2013 reports in *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2013.pdf.*

applicable second lowest cost silver plan for the taxpayer over (ii) an amount equal to 1/12 of the product of the applicable percentage (described below) and the taxpayer's household income for the taxable year.

The applicable percentage is defined in 26 U.S.C. 36B(b)(3)(A) and 26 CFR 1.36B–3(g) as the percentage that applies to a taxpayer's household income that is within an income tier specified in the table, increasing on a sliding scale in a linear manner from an initial premium percentage to a final premium percentage specified in the table (see Table 1):

TABLE 1:

In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—(percent)	The final premium percentage is—(percent)
Up to 133%	2.0	2.0
133 but less than 150%	3.0	4.0
150 but less than 200%	4.0	6.3
200 but less than 250%	6.3	8.05
250 but less than 300%	8.05	9.5
300 but not more than 400%	9.5	9.5

These are the applicable percentages for CY 2014. The applicable percentages will be updated in future years in accordance with 26 U.S.C. 36B(b)(3)(A)(ii).

6. Income Reconciliation Factor (IRF)

For persons enrolled in a QHP through an Exchange who receive an advance payment of the PTC (APTC), there will be an annual reconciliation following the end of the year to compare such payment to the correct amount of PTC based on household circumstances shown on the federal income tax return. Any difference between the latter amounts and the credit received during the year would either be paid to the taxpayer (if the enrollee received less in APTC than they were entitled to receive) or charged to the taxpayer as additional tax (if the enrollee received more in APTC than they were entitled to receive, subject to any limitations in statute or regulation), as provided in 26 U.S.C. 36B(f).

Section 1331(e)(2) of the Affordable Care Act specifies that individuals enrolled in BHP may not be treated as a qualified individual under section 1312 eligible for enrollment in a QHP offered through an Exchange. Therefore, BHP enrollees are not eligible to receive an APTC to purchase coverage in the Exchange. Because they do not receive APTC, BHP enrollees are not subject to the same income reconciliation as Exchange consumers. Nonetheless, there may still be differences between a BHP enrollee's household income reported at the beginning of the year and the actual income over the year. These may include small changes (reflecting changes in hourly wage rates, hours worked per week, and other fluctuations in income during the year) and large changes (reflecting significant changes in employment status, hourly wage rates, or substantial fluctuations in income). There may also be changes in household composition. Thus, we believe that using unadjusted income as reported prior to the BHP program year may result in calculations of estimated PTC that are inconsistent with the actual incomes of BHP enrollees during the year. Even if the BHP program adjusts household income determinations and corresponding claims of federal payment amounts based on household reports during the year or data from third-party sources, such adjustments may not fully capture the effects of tax reconciliation that BHP enrollees would have experienced had they been enrolled in a QHP through an Exchange and received an APTC.

Therefore, we propose including in Equation 1 an income adjustment factor that would account for the difference between calculating estimated PTC using: (a) Income relative to FPL as determined at initial application and potentially revised mid-year, under proposed 42 CFR 600.320, for purposes of determining BHP eligibility and claiming federal BHP payments; and (b) actual income relative to FPL received during the plan year, as it would be reflected on individual federal income tax returns. This adjustment would seek prospectively to capture the average effect of income reconciliation aggregated across the BHP population had those BHP enrollees been subject to tax reconciliation after receiving APTC for coverage provided through QHPs. For 2015, we propose estimating reconciliation effects based on tax data for two years, reflecting income and tax unit composition changes over time among BHP-eligible individuals.

Specifically, the Office of Tax Analysis (OTA) at the Department of the Treasury maintains a model which combines detailed tax and other data, including Exchange enrollment and PTC claimed, to project Exchange premiums, enrollment, and tax credits. For each enrollee, this model compares the APTC estimated at the point of enrollment with the PTC based on household income and family size reported at the end of the tax year. The former reflects the determination using enrollee information furnished by the applicant. The latter would reflect the PTC eligibility based on information on the tax return, which would have been determined if the individual had not enrolled in BHP. The ratio of the reconciled premium tax credit to the initial determination of premium tax credit will be used as the income reconciliation factor in Equation (1) for estimating the PTC portion of the BHP payment rate. We invite comment on this approach.

7. Tobacco Rating Adjustment Factor (TRAF)

As described above, the reference premium is estimated, for purposes of determining both the PTC and related federal BHP payments, based on premiums charged for non-tobacco users, including in states that allow premium variations based on tobacco use, as provided in 42 U.S.C. 300gg (a)(1)(A)(iv). In contrast, as proposed in the HHS Notice of Benefit and Payment Parameters for 2015, the CSR advance payments are based on the total premium for a policy, including any adjustment for tobacco use. Accordingly, we propose to incorporate a tobacco rating adjustment factor into Equation 2 that reflects the average percentage increase in health care costs that results from tobacco use among the BHP-eligible population and that would not be reflected in the premium charged to non-users. This factor will also take into account the estimated proportion of

tobacco users among BHP-eligible consumers.

To estimate the average effect of tobacco use on health care costs (not reflected in the premium charged to non-users), we propose to calculate the ratio between premiums that silver level QHPs charge for tobacco users to the premiums they charge for non-tobacco users at selected ages. To calculate estimated proportions of tobacco users, we propose to use data from the Centers for Disease Control and Prevention to estimate tobacco utilization rates by state and relevant population characteristic.[8] For BHP program year 2015, we would compare these tobacco utilization rates to the characteristics of BHP-eligible consumers, as shown by national and state survey data. We invite comments on this approach.

We also propose to consider differentiating this factor by the rate cell factors, if there are significant variations in either (a) the difference in health care costs for tobacco users and non-tobacco users or (b) the prevalence of tobacco use along any of these dimensions (including age range, state, geographic area, and income range). For example, if the differences in the tobacco and non-tobacco user rates in a state vary by age group, we would consider applying different adjustments to different rate cells by age.

8. Factor for Removing Administrative Costs (FRAC)

The Factor for Removing Administrative Costs (FRAC) represents the average proportion of the total premium that covers allowed health benefits, and we propose including this factor in our calculation of estimated CSRs in Equation 2. The product of the reference premium and the FRAC would approximate the estimated amount of EHB claims that would be expected to be paid by the plan. This step is needed because the premium also covers such costs as taxes, fees, and QHP administrative expenses. We are proposing to set this factor equal to 0.80, which is proposed for calculating CSR advance payments for 2015 in the HHS Notice of Benefit and Payment Parameters for 2015.

9. Actuarial Value (AV)

The actuarial value is defined as the percentage paid by a health plan of the total allowed costs of benefits, as defined under 45 CFR 156.20. (For example, if the average health care costs for enrollees in a health insurance plan were $1,000 and that plan has an actuarial value of 70 percent, the plan would be expected to pay on average $700 ($1,000 × 0.70) for health care costs per enrollee, on average.) By dividing such estimated costs by the actuarial value in the proposed methodology, we would calculate the estimated amount of total EHB-allowed claims, including both the portion of such claims paid by the plan and the portion paid by the consumer for in-network care. (To continue with that same example, we would divide the plan's expected $700 payment of the person's EHB-allowed claims by the plan's 70 percent actuarial value to ascertain that the total amount of EHB-allowed claims, including amounts paid by the consumer, is $1,000.)

For the purposes of calculating the CSR rate in Equation 2, we propose to use the standard actuarial value of the silver level plans in the individual market, which is equal to 70 percent.

10. Induced Utilization Factor (IUF)

The induced utilization factor is proposed as a factor in calculating estimated CSRs in Equation 2 to account for the increase in health care service utilization associated with a reduction in the level of cost sharing a QHP enrollee would have to pay, based on the cost-sharing reduction subsidies provided to enrollees.

In the HHS Notice of Benefit and Payment Parameters for 2015 proposed rule, we proposed induced utilization factors for the purposes of calculating cost-sharing reduction advance payments for 2015. The induced utilization factor for all persons who would enroll in a silver plan and qualify for BHP based on their household income as a percentage of FPL is 1.12; this would include persons with household income between 100 percent and 200 percent of FPL, lawfully present non-citizens below 100 percent of FPL who are ineligible for Medicaid because of immigration status, and persons with household income under 300 percent of FPL, not subject to any cost-sharing. Thus, we propose to use the induced utilization factor equal to 1.12 for the BHP payment methodology.

We would note that for CSRs for QHP, there will be a final reconciliation at the end of the year and the actual level of induced utilization could differ from the factor proposed in the rule. Our proposed methodology for BHP funding would not include any reconciliation for utilization and thus may understate or overstate the impact of the effect of the subsidies on health care utilization.

11. Change in Actuarial Value (ΔAV)

The increase in actuarial value would account for the impact of the cost-sharing reduction subsidies on the relative amount of EHB claims that would be covered for or paid by eligible persons, and we propose including it as a factor in calculating estimated CSRs in Equation 2.

The actuarial values of QHPs for persons eligible for cost-sharing reduction subsidies are defined in 45 CFR 156.420(a), and eligibility for such subsidies is defined in 45 CFR 155.305(g)(2)(i) through (iii). For QHP enrollees with household incomes between 100 percent and 150 percent of FPL, and those below 100 percent of FPL who are ineligible for Medicaid because of their immigration status, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 94 percent. For QHP enrollees with household incomes between 150 percent and 200 percent of FPL, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 87 percent.

We propose to apply this factor by subtracting the standard AV from the higher AV allowed by the applicable cost-sharing reduction. For BHP enrollees with household incomes at or below 150 percent of FPL, this factor would be 0.24 (94 percent minus 70 percent); for BHP enrollees with household incomes more than 150 percent but not more than 200 percent of FPL, this factor would be 0.17 (87 percent minus 70 percent).

E. Adjustments for American Indians and Alaska Natives

There are several exceptions made for American Indians and Alaska Natives enrolled in QHPs through an Exchange to calculate the PTC and CSRs. Thus, we propose adjustments to the payment methodology described above to be consistent with the Exchange rules.

We propose the following adjustments:

1. We propose that the adjusted reference premium for use in the CSR portion of the rate would use the lowest cost bronze plan instead of the second lowest cost silver plan, with the same adjustments for the premium trend factor and population health factor. American Indians and Alaska Natives are eligible for CSRs with any metal level plan, and thus we believe that eligible persons would be more likely to select a bronze level plan instead of a silver level plan. (It is important to note that this would not change the PTC, as that is the maximum possible PTC payment, which is always based on the

[8] See *http://www.cdc.gov/nchs/nhis/tobocco.htm; http://apps.nccd.cdc.gov/stotesystem/defoult/DatoSource.aspx.*

second lowest cost silver plan.) We invite comments as to whether other assumptions are warranted about the distribution, among bronze plans charging various premiums, of American Indian and Alaska Native BHP-eligible individuals.

2. We propose that the actuarial value for use in the CSR portion of the rate would be 0.60 instead of 0.70, which is consistent with the actuarial value of a bronze level plan.

3. We propose that the induced utilization factor for use in the CSR portion of the rate would be 1.15, which is consistent with the proposed HHS Notice of Benefit and Payment Parameters for 2015 induced utilization factor for calculating advance CSR payments for persons enrolled in bronze level plans and eligible for CSRs up to 100 percent of actuarial value.

4. We propose that the change in the actuarial value for use in the CSR portion of the rate would be 0.40. This reflects the increase from 60 percent actuarial value of the bronze plan to 100 percent actuarial value, as American Indians and Alaska Natives are eligible to receive CSRs up to 100 percent of actuarial value.

F. Example Application of the BHP Funding Methodology

This example of the proposed approach involves 1-person households with incomes between 138 and 150 percent FPL who obtain single coverage through BHP in a particular geographic rating area located in a state that permits insurers to increase premiums for tobacco users. To determine federal BHP payment rates, we begin by analyzing single-adult, silver-level coverage offered through the Exchange in that area. A particular QHP charges the "reference premium"—that is, the second lowest cost premium among those charged by all silver-level plans offered in the area, for a specific age range, without premium increases for tobacco users. Within the following age ranges, the mean value of that reference premium for 2014, assuming every age in the range is equally represented, is as follows in our example:

- $132.34 for 0–20 year olds.
- $243.39 for 21–44 year olds.
- $385.37 for 45–54 year olds.
- $571.49 for 55–64 year olds.

We multiply these reference premiums by the premium trend factor—that is, by the expected increase in average private health insurance costs from 2014 to 2015. The most recent National Health Expenditure projections from the CMS Office of the Actuary estimate that, from 2014 to 2015, private health insurance costs per enrollee will rise by an average of 3.5 percent.[9] Accordingly, for purposes of calculating 2015 federal BHP payments, reference premium amounts will be adjusted to:

- $136.97 for 0–20 year olds.
- $251.91 for 21–44 year olds.
- $398.86 for 45–54 year olds.
- $591.50 for 55–64 year olds.

We then multiply these amounts by the population health factor, reflecting the amount by which premiums in the Exchange would have increased or decreased, relative to actual levels, if all BHP-eligible consumers had been allowed to obtain coverage through QHPs, rather than BHP. In this particular state, the amounts charged in the Exchange for 2014 assume the inclusion of BHP-eligible consumers, so no adjustment needs to be made for BHP program year 2015.[10] As a result, this factor is 1.00, so the final premiums listed above, by age, are the adjusted reference premiums.

We then factor in the effects of household size, FPL, and the PTC formula. We take current FPL guidelines (which are for 2013)[11] and trend them forwards to 2015, based on the intermediate inflation forecasts from the most recent Medicare Trustees Report.[12] Accordingly, for purposes of calculating federal BHP payments, we assume that 100 percent of FPL will be $12,024 a year ($1,002 a month) for a 1-person household in 2015.

With each household size and FPL range, we determine the average (mean) PTC amount. For purposes of this example, we calculate the amount that BHP-eligible consumers with incomes between 138 and 150 percent FPL in 1-person households would pay, after receiving a premium tax credit, for an adjusted-reference-premium plan at every FPL percentage point level included in that range—at 138 percent FPL, 139 percent FPL, 140 percent FPL, etc., up to and including 150 percent FPL. Household payments throughout this range average $38.28 (Table 2). Subtracting this payment level from the 2015 adjusted reference premium amounts shown above yields the following estimated premium tax credits, by age range, for 1-person households between 138 and 150 percent FPL:

- $98.69 for 0–20 year olds.
- $213.63 for 21–44 year olds.
- $360.58 for 45–54 year olds.
- $553.22 for 55–64 year olds.

If the best estimates from modeling show that, taking into account tax reconciliation effects across the entire BHP-eligible population, the net impact of reconciliation is to reduce tax credit amounts by an average (mean) of 2.00 percent, then the income reconciliation adjustment for 2015 would be 0.98. Between that adjustment and including 95 rather than 100 percent of the estimated premium tax credit within the federal BHP payment rate, the above amounts are multiplied by 0.931, resulting in the premium tax components of federal BHP payments as follows for 1-person households between 138 and 150 percent FPL receiving single coverage through BHP:

- $91.88 for 0–20 year olds.
- $198.89 for 21–44 year olds.
- $335.70 for 45–54 year olds.
- $515.05 for 55–64 year olds.

In calculating the cost-sharing reduction subsidy component of federal BHP payments, we begin with the above adjusted reference premiums for 2015, including the premium trend factor and the population health factor ($136.97 for 0–20 year olds, etc.). We then multiply those premiums by the following additional factors, with the results shown in Table 3:

- The Factor for Removing Administrative Costs, which is 0.80;
- A standard actuarial value (AV) factor, which is 1 over the standard actuarial value of 70 percent for silver-level plans, or 1.4286;
- The tobacco rating adjustment factor, which we assume, for purposes of this example, would be found to be 1.30, following a determination of: (a) Weighted-average premiums charged by silver level QHPs to tobacco users and non-users, by age; and (b) CDC estimates of tobacco usage within the state's BHP-eligible population, by age;
- An induced utilization factor of 1.12;
- The increase in actuarial value (by income), which is 0.24 for BHP enrollees in the applicable income range (138 to 150 percent FPL); and
- 0.95.

Table 4 concludes this example by showing both the premium tax credit

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[9] *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/Proj2012.pdf.*

[10] If the state implements BHP in 2015, this factor may change as early as BHP program year 2016 if state or national data demonstrate, based on differences between average risk scores for individual market participants below and above 200 percent FPL, that adding BHP-eligible consumers to the state's 2015 individual market would have changed the reference premiums charged in the state's Exchange.

[11] *https://www.federalregister.gov/articles/2013/01/24/2013-01422/annual-update-of-the-hhs-poverty-guidelines.*

[12] See Table IV A1 in *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2013.pdf.* This forecast involves an increase in the Consumer Price Index of 2.2 percent in 2014 and 2.4 percent in 2015. Compounded, this results in a 4.65 percent increase from 2013 to 2015.

component and the cost-sharing reduction subsidy component of federal BHP payments for 1-person households between 138 and 150 percent FPL who obtain single coverage through BHP.

TABLE 2—HOUSEHOLD PREMIUM CHARGES, AFTER RECEIVING PREMIUM TAX CREDITS, FOR 1-PERSON HOUSEHOLDS BETWEEN 138–150 PERCENT FPL BUYING REFERENCE-PREMIUM SINGLE COVERAGE IN THE MARKETPLACE

FPL	Household premium charges	
	As a percentage of income	In dollars per month
138	2.29	31.72
139	2.35	32.77
140	2.41	33.83
141	2.47	34.91
142	2.53	35.99
143	2.59	37.09
144	2.65	38.19
145	2.71	39.31
146	2.76	40.45
147	2.82	41.59
148	2.88	42.75
149	2.94	43.91
150	3.00	45.09
Average	.....	38.28

Note: This table assumes a hypothesized geographic area that: (a) Is within a state that permits insurers to increase premiums for tobacco users; and (b) has mean premiums for the second-lowest-cost silver-level QHP, calculated for non-tobacco users assuming an even age distribution, as follows in 2014: $132.34 for 0–20 year olds; $243.39 for 21–44 year olds; $385.37 for 45–54 year olds; and $571.49 for ages 55–64 year olds.

TABLE 3—CALCULATING THE MONTHLY COST-SHARING REDUCTION SUBSIDY COMPONENT OF FEDERAL BHP PAYMENTS FOR 1-PERSON HOUSEHOLDS BETWEEN 138 AND 150 PERCENT FPL RECEIVING SINGLE COVERAGE THROUGH BHP

Age	Adjusted reference premium for 2015	After application of factor (by name and amount)					Final BHP CSR subsidy component
		Factor for removing administrative costs	Standard AV factor	Tobacco rating adjustment	Induced utilization	Increased AV	
		0.8	1.43	1.3	1.12	0.24	0.95
0–20	$136.97	$109.58	$156.69	$203.70	$228.15	$54.76	$52.02
21–44	251.91	201.53	288.19	374.64	419.60	100.70	95.67
45–54	398.86	319.09	456.30	593.18	664.37	159.45	151.48
55–64	591.50	473.20	676.68	879.68	985.24	236.46	224.63

Note: See note to Table 2.

TABLE 4—TOTAL MONTHLY AND QUARTERLY FEDERAL BHP PAYMENTS FOR 1-PERSON HOUSEHOLDS BETWEEN 138 AND 150 PERCENT FPL RECEIVING SINGLE COVERAGE THROUGH BHP

Age	Monthly components		Total BHP payments per enrollee	Quarterly
	Premium tax credit	Cost-sharing reduction subsidy	Monthly	
0–20	$91.88	$52.02	$143.90	$431.69
21–44	198.89	95.67	294.56	883.67
45–54	335.70	151.48	487.18	1,461.53
55–64	515.05	224.63	739.68	2,219.05

Note: See note to Table 2.

III. Collection of Information Requirements

While this document contains collection of information requirements that are subject to the Paperwork Reduction Act, CMS is seeking emergency OMB review and approval of those requirements under 5 CFR 1320.13. The notice setting out the proposed requirements and burden estimates is publishing in today's **Federal Register** under CMS–10510 (OCN 0938—New). That notice also sets out instructions for submitting public comment, as well as the comment due date.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as "economically significant"); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As noted in the BHP proposed rule, BHP provides states the flexibility to establish an alternative coverage program for low-income individuals who would otherwise be eligible to purchase coverage through the Exchange. We are uncertain, as described further below, as to whether the effects of the proposed rulemaking, and subsequently, this document, will be "economically significant" as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. We seek comment on the analysis provided below to help inform this assessment by the time of concurrent publication of the final BHP rule and final payment notice. In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

1. Need for the Notice

Section 1331 of the Affordable Care Act (codified at 42 U.S.C. 18051) requires the Secretary to establish a Basic Health Program, and subsection (d)(1) specifically provides that if the Secretary finds that a state "meets the requirements of the program established under subsection (a) [of section 1331], the Secretary shall transfer to the State" federal BHP payments described in subsection (d)(3). This document provides for the funding methodology to determine the federal BHP payment amounts required to implement these provisions.

2. Alternative Approaches

Many of the factors proposed in this document are specified in statute; therefore, we are limited in the alternative approaches we could consider. One area in which we had a choice was in selecting the data sources used to determine the factors included in the proposed methodology. Except for state-specific reference premiums and enrollment data, we propose using national rather than state-specific data. This is due to the lack of currently available state-specific data needed to develop the majority of the factors included in the proposed methodology. We believe the national data will produce sufficiently accurate determinations of payment rates. In addition, we believe that this approach will be less burdensome on states. With respect to reference premiums and enrollment data, we propose using state-specific data rather than national data as we believe state-specific data will produce more accurate determinations than national averages.

3. Transfers

The provisions of this document are designed to determine the amount of funds that will be transferred to states offering coverage through a Basic Health Program rather than to individuals eligible for premium and cost-sharing reductions for coverage purchased on the Exchange. We are uncertain what the total federal BHP payment amounts to states will be as these amounts will vary from state to state due to the varying nature of state composition. For example, total federal BHP payment amounts may be greater in more populous states simply by virtue of the fact that they have a larger BHP-eligible population and total payment amounts are based on actual enrollment. Alternatively, total federal BHP payment amounts may be lower in states with a younger BHP-eligible population as the reference premium used to calculate the federal BHP payment will be lower relative to older BHP enrollees. While state composition will cause total federal BHP payment amounts to vary from state to state, we believe that the proposed methodology accounts for these variations to ensure accurate BHP payment transfers are made to each state.

B. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation, by state, local, or tribal governments, in the aggregate, or by the private sector. In 2013, that threshold is approximately $141 million. States have the option, but are not required, to establish a BHP. Further, the proposed methodology would establish federal payment rates without requiring states to provide the Secretary with any data not already required by other provisions of the Affordable Care Act or its implementing regulations. Thus, this proposed payment notice does not mandate expenditures by state governments, local governments, or tribal governments.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) (RFA) requires agencies to prepare an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities, unless the head of the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities.

The Act generally defines a "small entity" as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a not-for-profit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. Individuals and states are not included in the definition of a small entity. Few of the entities that meet the definition of a small entity as that term is used in the RFA would be impacted directly by this document.

Because this document is focused on the proposed funding methodology that will be used to determine federal BHP payment rates, it does not contain provisions that would have a significant direct impact on hospitals, and other health care providers that are designated as small entities under the RFA. However, the provisions in this document may have a substantial, positive indirect effect on hospitals and other health care providers due to the substantial increase in the prevalence of health coverage among populations who are currently unable to pay for needed health care, leading to lower rates of uncompensated care at hospitals. The Department cannot determine whether this document would have a significant economic impact on a substantial number of small entities, and we request public comment on this issue.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a document may have a significant economic impact on the operations of a substantial number of small rural hospitals. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. As indicated in the preceding discussion, there may be indirect positive effects from reductions in uncompensated care. Again, the Department cannot determine whether this document would have a significant economic impact on a substantial number of small rural hospitals, and we request public comment on this issue.

D. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct effects on states, preempts state law, or otherwise has federalism implications. The BHP is entirely optional for states, and if implemented in a state, provides access to a pool of funding that would not otherwise be available to the state.

We have consulted with states to receive input on how the Affordable Care Act provisions codified in this document would affect states. We have participated in a number of conference calls and in person meetings with state officials.

We continue to engage in ongoing consultations with states that have expressed interest in implementing a BHP through the BHP Learning Collaborative, which serves as a staff level policy and technical exchange of information between CMS and the states. Through consultations with this Learning Collaborative, we have been able to get input from states on many of the specific issues addressed in this document.

Authority: Section 1331(d)(3) of the Affordable Care Act.

Dated: November 20, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: November 22, 2013.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2013–30435 Filed 12–18–13; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130822744–3744–01]

RIN 0648–BD63

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Change to Start of Pacific Sardine Fishing Year

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: Each year, NMFS implements regulations that set the annual quota and management measures for the Pacific sardine fishing year. NMFS proposes to change the starting date of the annual Pacific sardine fishery from January 1 to July 1. This would change the fishing season from one based on the calendar year to one based on a July 1 through the following June 30th schedule. No other changes to the annual allocation structure are being made and the existing seasonal allocation percentages will remain as specified in the FMP; as would the current quota roll-over provisions. The purpose of this change is to better align the timing of the research and science that is used in the annual stock assessments with the annual management schedule. To enable this transition in fishing years, this action also would establish a one-time interim harvest period for the 6 months from January 1, 2014, through June 30, 2014.

DATES: Comments must be received by January 22, 2014.

ADDRESSES: You may submit comments on this document identified by "NOAA–NMFS–2013–0167" by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0167,* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Joshua Lindsay.
- *Fax:* (562) 980–4047; Attn: Joshua Lindsay

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, Southwest Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: This proposed rule would change the start date of the 12-month Pacific sardine fishery from January 1 to July 1, thus changing the fishing season for Pacific sardine from one based on the calendar year to one beginning on July 1 and continuing through June 30th of the following year. The purpose of this change is to better align the timing of the research and science used in the annual stock assessments with the annual management schedule, as the present schedule imposes substantial

challenges in terms of survey data availability relative to the timing of stock assessments.

The process for setting the annual Pacific sardine quotas begins with the Pacific Fishery Management Council's (Council) annual November public meeting, where scientists present the estimated biomass of Pacific sardine to the Council and its various advisory bodies. At this meeting the biomass estimate and the status of the fishery is reviewed and discussed. Following this review by the Council and after hearing public comment, the Council adopts a biomass estimate which, based on the management framework in the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), is used in the calculation and development of the annual Pacific sardine catch levels that are recommended to the National Marine Fisheries Service (NMFS) by the Council. NMFS then implements regulations that set the annual quota for the Pacific sardine fishing year that currently begins January 1 and ends December 31.

These annual Pacific sardine quotas are based in large part on the results of annually conducted stock assessments that provide the biomass estimates used in the calculation of quotas. The stock assessments go through a scientific review process in late September or early October in preparation for action at the November Council meeting.

At present, the current research and management schedule imposes substantial challenges in terms of survey data availability relative to the timing of the completion of the stock assessments. In recent years, the data used in the stock assessments has come from new and expanded surveys that occur throughout the summer and into September. This has caused conflicts in the stock assessment process as both the survey teams and the stock assessment scientists have become rushed both to finish the research and analyze the data in time for the stock assessment to be completed and reviewed prior to the November Council meeting. This timing is necessary to accommodate the current management cycle that is tied to the January 1 fishery season start date. For example, some of the data currently used in the stock assessment comes from a survey conducted off of Oregon and Washington that occurs until September 15. With the formal review of the stock assessment normally held the first week of October, data from this survey must also be provided to the stock assessment team by mid to late September. This provides little time for a thorough review of survey data and results prior to delivery to the stock assessment team.

To address the assessment scheduling constraints described above, with the management process for implementing annual quotas, the Council recommended, and NMFS is proposing, to change the start of the fishing season from January 1 to July 1. By moving the timing of the start of the fishery to July 1 and therefore the timing of when the stock assessment must be completed (late winter/early spring) this will allow the management process, for which the timing will also change, to then better align with the research and data being collected for the assessment.

The harvest guideline (HG) for the Pacific sardine fishery is apportioned based on the allocation scheme established through Amendment 11 to the CPS FMP. Under the allocation scheme, the Pacific sardine fishing year is divided into three seasonal periods with fixed allocation percentages of quota attached to each time period: January 1–June 30 (35 percent), July 1–September 14 (40 percent) and September 15–December 31 (25 percent). Any quota not harvested in a period is rolled over into the subsequent period; any amount not harvested by the end of the fishing year is not rolled over into the next fishing year. If the total HG or these apportionment levels for Pacific sardine are reached at any time, the Pacific sardine fishery will close until either it re-opens per the allocation scheme or the beginning of the next fishing season.

Through this proposed action, what is currently known as the second allocation period (July 1–September 14) would become the first period, the third allocation period (September 15–December 31) would become the second period, and the first allocation period (January 1–June 30) would become the third period. No changes to the seasonal allocation structure are being made through this action and the existing seasonal allocation percentages will remain as specified in the FMP; as would the current quota roll-over provisions. The Council will be addressing complete year sardine management (July 1 to June 30) at their April 2014 public meeting.

If this proposed rule is implemented, the start of the next complete fishing season would begin on July 1, 2014. Because the current 2013 fishing season ends on December 31, 2013, NMFS is also proposing in this rule the establishment of a one-time interim harvest allocation period from January 1, 2014 through June 30, 2014 to allow for continued fishing during the transition from a January to July start of the fishing season. The harvest specifications for this interim allocation period will be implemented through a separate rulemaking action. At the November 2013 Council meeting, the Council took action on setting the quota for the January 2014 through June 2014 period. Although the interim harvest specifications will include an Overfishing Limit (OFL), Acceptable Biological Catch (ABC) and Annual Catch Limit (ACL) for calendar year 2014, those specifications are expected to be replaced based on the new stock assessment and Council action in April 2014.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the Assistant Administrator, NMFS, has determined that this proposed rule is consistent with the CPS FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis is not required, and none has been prepared. The analysis of the Chief Counsel was as follows:

The purpose of the proposed action is to change the date of the start of the yearly Pacific sardine fishery from January 1 to July 1, thus changing the fishing season for Pacific sardine from one based on the calendar year to a fishing year that will begin on July 1 and continuing through June 30th of the following year. As described in the preamble of this rule, the purpose of this change is to better align the timing of the research and science that is used in the annual stock assessments with the annual management schedule.

The proposed action is not expected to have significant direct or indirect socioeconomic impacts because harvest limits and management measures influencing ex-vessel revenue and personal income, such as how harvest limits are determined, are not established under the range of alternatives considered. Instead, the proposed action only changes the annual fishing season from one based on the calendar year to one beginning on

July 1 and proceeding to the following June 30th. The CPS FMP and its implementing regulations require NMFS to set an OFL, ABC, ACL and harvest guideline (HG) or annual catch target (ACT) for the Pacific sardine fishery based on the specified harvest control rules in the FMP. A specific harvest control rule is applied to the current stock biomass estimate to derive the annual HG that is used to manage the directed commercial take of Pacific sardine. This annual HG is the primary determinate in the overall revenue derived from fishing for Pacific sardine, and this action does not change the framework.

On June 20, 2013, the U.S. Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 million to $19.0 million, Shellfish Fishing from $4.0 million to $5.0 million, and Other Marine Fishing from $4.0 million to $7.0 million. NMFS conducted its analysis for this action using the new size standards

As stated above, the U.S. Small Business Administration now defines small businesses engaged in finfish fishing as those vessels with annual revenues of or below $19 million. Under the former, lower size standards, all entities subject to this action in previous years were considered small entities, and under the new standards they continue to be considered small. The small entities that would be affected by the proposed action are the vessels that fish for Pacific sardine as part of the West Coast CPS finfish fleet. In 2012 there were approximately 96 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast, 55 vessels in the Federal CPS limited entry fishery off California (south of 39 N. lat.), and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. The average annual per vessel revenue in 2012 for the West Coast CPS finfish fleet was well below $19 million; therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule has an equal effect on all of these small entities, and therefore will impact a substantial number of these small entities in the same manner. Therefore this rule will not create disproportionate costs between small and large vessels/businesses.

Currently the fishery begins on January 1 and ends on December 31 of each year and the HG is apportioned based on the following allocation scheme established through Amendment 11 to the CPS FMP. Under this allocation scheme, 35 percent of the HG is allocated coastwide on January 1; 40 percent of the HG, plus any portion not harvested from the initial allocation is then reallocated coastwide on July 1; and on September 15 the remaining 25 percent, plus any portion not harvested from earlier allocations will be released. If the total HG or these apportionment levels for Pacific sardine are reached at any time, the Pacific sardine fishery will close until either it re-opens per the allocation scheme or the beginning of the next fishing season; any amount not harvested by the end of the fishing year is not rolled over into the next fishing year. There is no limit on the amount of catch that any single vessel can take during an allocation period or the year; the HG and seasonal allocations are available until fully utilized by the entire CPS fleet. The purpose of Amendment 11 and the framework described above was to achieve optimal utilization of the available harvest of Pacific sardine by all entities through an equitable coastwide allocation, providing vessels in all regions an equal opportunity to the resource.

Under this proposed rule, the allocation period currently known as the second allocation period (July 1–September 14) would become the first period, the third allocation period (September 15–December 31) would become the second period, and the first allocation period (January 1–June 30) would become the third period. No changes to the seasonal allocation structure are being made and the existing allocation percentages will remain as specified in the FMP, as would the current quota roll-over provisions. Because no changes to the allocation structure or seasonal percentages would be made, the proposed action does not appear to be inconsistent with objectives and analyses conducted in Amendment 11 creating the current allocation framework. Therefore, the proposed action is likely to result in negligible or at this point unknown economic impacts.

Additionally, the establishment of a one-time interim harvest allocation period from January 1, 2014 through June 30, 2014 will allow for a transition from the current start of the fishing season to the proposed new start on July 1. The intent of this action is to allow fishing opportunities to continue during the transition period. The alternative to this proposed provision is to prohibit fishing during the transition period. Compared to the alternative, the proposed interim harvest allocation period is expected to have positive economic impacts on the affected small entities as it will allow them to continue fishing. However, this action only establishes the framework by which harvest allocations will be set for this 6-month period; the specific economic impacts of any quota allocated for this interim harvest period will be analyzed separately when those quota are established.

For the reasons above, the Chief Counsel for Regulation certified that this rule will not have a significant economic impact on a substantial number of small entities.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indians.

Dated: December 17, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 660.510, paragraph (a) is revised to read as follows:

§ 660.510 Fishing seasons.

* * * * *

(a) *Pacific sardine.* July 1 to June 30, or until closed under § 660.509.

* * * * *

■ 3. In § 660.511, paragraphs (f) through (h) are revised to read as follows:

§ 660.511 Catch restrictions.

* * * * *

(f) On July 1, 40 percent of the initial harvest guideline for Pacific sardine is allocated coastwide within the fishery management area.

(g) On September 15, 25 percent of the initial harvest guideline for Pacific sardine plus the remaining unharvested portion of the September 15 allocation is allocated coastwide within the fishery management area.

(h) On January 1, 35 percent of the initial harvest guideline for Pacific sardine plus the remaining unharvested portion of the September 15 allocation is allocated coastwide within the fishery management area.

[FR Doc. 2013–30512 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 78, No. 246
Monday, December 23, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2013–0007]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Little Otter Creek Watershed Plan, Caldwell County, Missouri

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Intent.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA); as amended (42 U.S.C. 4321 *et seq.*), the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture, as lead federal agency, will prepare a Supplemental Environmental Impact Statement (SEIS) for the Little Otter Creek Watershed Plan (LOCWP), Caldwell County, Missouri, involving the proposed construction of a multi-purpose reservoir. The purpose of this supplement is to address changes which have occurred since the NRCS prepared the Little Otter Creek Watershed Plan and Environmental Impact Statement in 2003. The SEIS will update the original EIS with more recent relevant environmental information and expand the alternatives analysis beyond those previously considered. The SEIS will evaluate reasonable and practicable alternatives and their expected environmental impacts.

ADDRESSES: To be included on the mailing list for review of the SEIS, all requests should be submitted to Mr. Harold Deckerd, USDA-Natural Resources Conservation Service, Parkade Center Suite 250, 601 Business Loop 70 West, Columbia, Missouri 65203–2585.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Deckerd, NRCS Missouri State Office, by email: *harold.deckerd@mo.usda.gov*, by regular mail (see **ADDRESSES**), or by telephone: 573–876–0912.

SUPPLEMENTARY INFORMATION: The NRCS in cooperation with the Caldwell County Commission, Caldwell County Soil and Water Conservation District, and the U.S. Army Corps of Engineers (Corps) will prepare an SEIS for the Little Otter Creek Watershed Plan in Caldwell County, Missouri authorized pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, (16 U.S.C. 1001–1008). The NRCS has determined that additional analysis is required and that the purposes of the National Environmental Policy Act would be furthered through the preparation of the SEIS. The Corps will be a cooperating agency in the preparation of the SEIS. The SEIS will consider all reasonable and practicable alternatives to meet the purpose and need for the federal action. The SEIS will assess the potential social, economic, and environmental impacts of the project, and will address Federal, state, and local regulatory requirements along with pertinent environmental and socio-economic issues. The SEIS will analyze the direct, indirect, and cumulative effects of the proposed action. The Federal SEIS process begins with the publication of this Notice of Intent.

1. Background: The 6,323-acre Little Otter Creek Watershed is located two miles east of Hamilton in Caldwell County in northwest Missouri. It is a tributary to Otter Creek which drains to Shoal Creek; the Grand River, and the Missouri River.

Engineering reports dating back nearly fifty years document water supply problems in Caldwell County. Underlying geologic formations severely limit groundwater quality and availability. The *Missouri Drought Plan* places Caldwell County in a region classified as having "severe surface and groundwater supply drought vulnerability." Digital models estimate that existing water sources could supply only 37 percent of the county's demand during the drought of record. In addition, the LOCWP documented annual flood damages to crop and pasture land, fences, roads and bridges. The LOCWP also identified the need for additional recreational opportunities in the surrounding area.

At the request of the Caldwell County Commission and the Caldwell County Soil and Water Conservation District, the NRCS began watershed planning activities in July 2000 under the authority of the Watershed Protection and Flood Prevention Act of 1954, Public Law 83–566, as amended (16 U.S.C. 1001–1008). NRCS issued a Notice of Intent to prepare an Environmental Impact Statement in July of 2002. On August 6, 2002, the voters of Caldwell County approved a one-half percent sales tax to assist in funding the local match for project installation. NRCS completed the Little Otter Creek Watershed Plan and Environmental Impact Statement in March 2003 and announced a Record of Decision to proceed with installation in May 2003. The project has not been installed because sufficient funding has not been available. Installation of the proposed action will result in temporary and permanent impacts to jurisdictional waters of the United States requiring a Clean Water Act (CWA) Section 404 permit. The Corps has not issued a Section 404 permit for this project. Comments received during the EIS process suggested that a larger number of reasonable and practicable alternatives be considered. Potential impacts of all reasonable and practicable alternatives will be updated and analyzed in the SEIS in compliance with Section 404(b)(1) of the CWA. The Corps and the U.S. Environmental Protection Agency (USEPA) completed an Approved Jurisdictional Determination in March 2010.

2. Proposed Action: The proposed federal action as presented in the 2003 EIS includes one approximately 362-acre multiple-purpose reservoir on Little Otter Creek, a water intake structure, a raw water line, fish and wildlife habitat enhancement and recreational facilities. The purpose of the proposed federal action is to: Provide approximately 1.24 million gallons per day of locally-controlled raw water supply to meet the projected 50-year usage demand for Caldwell County; provide approximately 60,000 annual recreational user-days and provide an approximate 96% reduction in annual flood damages in the 3.8-miles of Little Otter Creek between the reservoir and the confluence with Otter Creek.

3. Alternatives: The SEIS will evaluate environmental impacts of the following

alternatives and any other action alternatives identified that may be reasonable and practicable: (1) Creation of a multi-purpose reservoir; (2) a combination of independent purpose alternatives to meet the overall project purposes and needs; and (3) the no-action alternative. The SEIS will identify the National Economic Development (NED) alternative, which is the alternative with the greatest net economic benefit consistent with protecting the Nation's environment and document the estimated direct, indirect and cumulative impacts of the proposed action and alternatives on the environment.

4. Scoping: In developing the LOCWP, numerous scoping meetings were held to gather public input and keep the community informed on the status of project planning activities. Several community surveys and interviews were conducted to gather information, and periodic news articles were published to update local citizens. The Caldwell County Lake Project Steering Committee was formed to further insure public input into the planning process. NEPA procedures do not require additional public scoping meetings for the development of a SEIS and none are planned at this time. Comments received from Federal, State or local agencies, Native American Tribes, non-governmental organizations, and interested citizens will be used to assist in the development of the Draft and Final SEIS (See **ADDRESSES:** above to submit comments).

5. Public Involvement: The NRCS invites full public participation to promote open communication and better decision-making. All persons and organizations with an interest in the LOCWP are urged to comment. Public comments are welcomed and opportunities for public participation include submitting comments to the NRCS: (1) During the development of the Draft SEIS, (2) during the review and comment period upon publishing the Draft SEIS; and (3) for 30 days after publication of the Final SEIS. Distribution of the comments received will be included in the Administrative Record without change and may include any personal information provided, unless the commenter indicates that the comment includes information claimed to be confidential business information.

6. Other Environmental Review and Coordination Requirements: The Corps will be a cooperating agency in the preparation of the SEIS. The NRCS as the lead federal agency will continue to coordinate with other agencies and entities throughout the NEPA process including: Caldwell County Commission, Missouri Department of Natural Resources, Missouri Department of Conservation, U.S. Fish and Wildlife Service, and USEPA. The Draft SEIS will address project compliance with applicable laws and regulations, including NEPA, CWA, Endangered Species Act, and the National Historic Preservation Act.

7. Permits or Licenses Required: The proposed federal action would require a CWA Section 404 permit from the Corps. The project would also require certification by the State of Missouri, Department of Natural Resources, under Section 401 of the CWA, that the project would not violate state water quality standards. A land disturbance permit issued by the Missouri Department of Natural Resources under Section 402 of the CWA (National Pollutant Discharge Elimination System Permit) would be required. Construction and Safety Permits issued by the Missouri Dam and Reservoir Safety Program would also be required.

8. Availability of Draft SEIS: The draft SEIS is estimated to be complete and available for public review in 2014.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Dated: December 10, 2013.

J.R. Flores,

State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2013–30388 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Rural Business-Cooperative Service intention to request a revision to a currently approved information collection for the Advanced Biofuel Payment Program.

DATES: Comments on this notice must be received by February 21, 2014 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Lisa Noty, U.S. Department of Agriculture, 511 W. 7th Street, Atlantic, IA 50022, email: *lisa.noty@wdc.usda.gov*, phone (712) 243–2107 ×116, fax (855) 251–2238.

SUPPLEMENTARY INFORMATION:

Title: Advanced Biofuel Payment Program.

OMB Number: OMB No. 0570–0063.

Expiration Date of Approval: March 13, 2014.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Advanced Biofuel Payment Program was authorized under section 9005 of Title IX of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). It authorizes the Agency to enter into contracts to make payments to eligible entities to support and ensure an expanding production of advanced biofuels. Entities eligible to receive payments under the Program are producers of advanced biofuels that meet all of the requirements of the Program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.14 hours per response.

Respondents: The respondents are the advanced biofuel producers and Agency staff who process applications and quarterly payment requests.

Estimated Number of Respondents: 275 advanced biofuel producers.

Estimated Number of Responses per Respondent: 13.

Estimate Number of Responses: 1178.

Estimated Total Annual Burden on Respondents: 1,349 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250. All comments

received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: December 16, 2013.

Lillian Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–30426 Filed 12–20–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China; 2012–2013; Partial Rescission of the Sixth Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 3, 2013, the Department of Commerce ("the Department") published a notice of initiation of an administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China ("PRC") based on multiple timely requests for an administrative review. The review covers 185 companies. Based on a withdrawal of the requests for review of certain companies from Calgon Carbon Corporation and Cabot Norit Americas Inc. ("Petitioners"), we are now rescinding this administrative review with respect to four companies.

DATES: Effective December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Bob Palmer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

In April 2013, the Department received multiple timely requests to conduct an administrative review of the antidumping duty order on certain activated carbon from the PRC ("the *Order*").[1] Based upon these requests, on June 3, 2013, the Department published a notice of initiation of an administrative review of the *Order* covering the period April 1, 2012, to March 31, 2013.[2] The Department initiated the administrative review with respect to 185 companies.[3] On August 28, 2013, Petitioners withdrew their request for an administrative review on Shanxi Industry Technology Trading Co., Ltd., ("Shanxi ITT"), Shanxi Xuanzhong Chemical Industry Co., Ltd. ("Xuanzhong"), Tianjin Maijin Industries Co., Ltd. ("Tianjin") and Xi'an Shuntong International Trade & Industrials Co., Ltd. ("Xi'an").[4] Petitioners were the only party to request a review of these companies. Petitioners also withdrew their review requests for an additional 165 companies, and no other party requested a review of those companies. However, those companies do not have a separate rate from a prior segment of this proceeding and are part of the PRC-wide entity which could come under review in this segment of the proceeding. We intend to address the disposition of these companies in the preliminary results of this review.[5]

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Petitioners' requests for review of Shanxi ITT, Xuanzhong, Tianjin and Xi'an were withdrawn within the 90-day period. Because Petitioners' requests for review were timely withdrawn and because no other party requested a review of Shanxi ITT, Xuanzhong, Tianjin and Xi'an, in accordance with 19 CFR 351.213(d)(1), we are partially rescinding this review with respect to Shanxi ITT, Xuanzhong, Tianjin and Xi'an.

Assessment Rates

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries.[6] Because Shanxi ITT, Xuanzhong, Tianjin and Xi'an have a separate rate from a prior segment of this proceeding, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a final reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 17, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–30555 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Notice of Antidumping Duty Order: Certain Activated Carbon From the People's Republic of China*, 72 FR 20988 (April 27, 2007) ("*Order*").

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 78 FR 33052, 33054 (June 3, 2013) ("*Initiation Notice*").

[3] *See id.*

[4] *See* Letter to the Department from Petitioners, Re: Certain Activated Carbon From the People's Republic of China: Petitioners' Withdrawal of Certain Requests for Administrative Review, dated August 28, 2013. Petitioners also withdrew their request for review of Calgon Carbon (Tianjin) Co., Ltd. ("Calgon"). However, Albemarle Corporation also requested an administrative review of Calgon in the current segment. *See* Letter from Albemarle Corporation, dated April 30, 2013.

[5] *See Wooden Bedroom Furniture From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review*, 78 FR 60844 (October 2, 2013).

[6] *See* 19 CFR 351.212(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–817]

Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of certain oil tubular goods (OCTG) from the Republic of Turkey (Turkey). The period of investigation is January 1, 2012, through December 31, 2012. Interested parties are invited to comment on this preliminary determination.

DATES: Effective December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek, Joseph Shuler, or Shane Subler, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778, (202) 482–1293 and (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

Alignment of Final Countervailing Duty (CVD) Determination With Final Antidumping Duty (AD) Determination

On the same day the Department initiated this CVD investigation, the Department also initiated AD investigations of OCTG from Turkey and several other countries.[1] The CVD investigation and the AD investigations cover the same merchandise. On December 16, 2013, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (Act), alignment of the final CVD determination with the final AD determination of OCTG from Turkey was requested by the petitioner.[2] Therefore, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination with the final AD determination. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than April 29, 2014, unless postponed.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.*, whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix 1 to this notice.

Methodology

The Department is conducting this CVD investigation in accordance with section 701 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.[3] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*, and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

We have calculated *de minimis* CVD rates for each individually investigated producer/exporter of subject merchandise. Consistent with section 703(b)(4)(A) of the Act, we have disregarded these rates and preliminarily determine that no countervailable subsidies are being provided to the production or exportation of the subject merchandise in Turkey. The "all others" rate is also *de minimis*. Consequently, consistent with section 703(b)(4)(A) of the Act, we similarly have disregarded this rate.

Preliminary Determination and Suspension of Liquidation

We preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate
Borusan Istikbal Ticaret and Borusan Mannesmann Boru Sanayi.	0.37 percent (*de minimis*).
Tosyali Dis Ticaret A.S, Tosçelik Profil ve Sac Endustrisi A.S., Tosyali Elektrik Enerjisi Toptan Satis Ith. Ihr. A.S., nd Tosyali Holding A.S.	0.88 percent (*de minimis*).
All Others	0.63 percent (*de minimis*).

Because we have preliminarily determined that the CVD rates in this investigation are *de minimis*, we will not direct U.S. Customs and Border Protection to suspend liquidation of entries of OCTG from Turkey.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement.[4] Interested parties may submit case and rebuttal briefs. For a schedule of the deadlines for filing case briefs, rebuttal briefs, and hearing requests, *see* the Preliminary Decision Memorandum.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix 1

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods ("OCTG"), which are hollow steel products of circular cross-section, including

[1] *Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 78 FR 45505 (July 29, 2013).

[2] Maverick Tube Corporation, United States Steel Corporation, Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA Inc.

[3] See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance regarding "Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey," dated concurrently with this notice (Preliminary Decision Memorandum).

[4] See 19 CFR 351.224(b).

oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.*, whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute ("API") or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

[FR Doc. 2013–30563 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–858]

Certain Oil Country Tubular Goods From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain oil tubular goods (OCTG) from India. The period of investigation is January 1, 2012, through December 31, 2012.

DATES: Effective December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo, Elfi Blum-Page, or Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2371, (202) 482–0197, and (202) 482–2316, respectively.

SUPPLEMENTARY INFORMATION:

Alignment of Final CVD Determination With Final AD Determination

On the same day the Department initiated this CVD investigation, the Department also initiated AD investigations of OCTG from India and several other countries.[1] The CVD investigation and the AD investigations cover the same merchandise. On December 16, 2013, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (Act), alignment of the final CVD determination with the final AD determination of OCTG from India was requested by the petitioner.[2] Therefore, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination with the final AD determination. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than April 29, 2014, unless postponed.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.*, whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix to this notice.

Methodology

The Department is conducting this countervailing duty (CVD) investigation in accordance with section 701 of the Act.[3] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.[4] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*, and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In

[1] *Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 78 FR 45505 (July 29, 2013).

[2] Maverick Tube Corporation, United States Steel Corporation, Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA Inc.

[3] As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013. See Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (October 18, 2013). Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.

[4] See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance regarding "Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Oil Country Tubular Goods from India," dated concurrently with this notice (Preliminary Decision Memorandum).

addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated a CVD rate for each individually investigated producer/exporter of the subject merchandise. We relied on section 776 of the Act in determining the countervailability of certain programs. Sections 703(d) and 705(c)(5)(A) of the Act state that for companies not individually investigated, we will determine an all-others rate by weighting the individual company subsidy rate of each of the companies investigated by each company's exports of subject merchandise to the United States. However, the all-others rate may not include zero and *de minimis* rates or any rates based entirely on the facts available. In this investigation, the only rate that is not *de minimis* or based entirely on facts available is the rate calculated for GVN Fuels Limited/Maharashtra Seamless Limited/Jindal Pipes Limited (GVN/MSL/JPL). Consequently, the rate calculated for GVN/MSL/JPL is also assigned as the "all others" rate.

Preliminary Determination and Suspension of Liquidation

We preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate
GVN Fuels Limited/ Maharashtra Seamless Limited/Jindal Pipes Limited.	3.50 percent.
Jindal SAW Limited	0.97 percent (*de minimis*).
All Others	3.50 percent.

In accordance with sections 703(d)(1)(B) and (2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of OCTG from India that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above. We are not, however, ordering suspension of liquidation or the collection of cash deposits on entries by Jindal SAW Limited because its CVD rate is *de minimis*.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of announcement of its public announcement.[5] The Department will conduct verification of the questionnaire responses submitted in this investigation. Interested parties may submit written comments (case briefs) no later than one week after the issuance of the final verification report and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs. Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties, who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[6] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[7] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the U.S. International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.*, whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40,

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.310(c).

[7] *See* 19 CFR 351.310.

7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

[FR Doc. 2013–30559 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–820, A–307–824]

Ferrosilicon From the Russian Federation and Venezuela: Postponement of Preliminary Determinations of Antidumping Duty Investigations

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik (Russia) or Kabir Archuletta (Venezuela), AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 2013, the Department of Commerce ("the Department") initiated antidumping duty investigations on ferrosilicon from the Russian Federation ("Russia") and Venezuela.[1] The *Initiation Notice* stated that, unless postponed, the Department would issue its preliminary determinations in these investigations no later than 140 days after the date of issuance of the initiations, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.205(b)(1).[2]

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[3] Therefore, all deadlines in these investigations have been extended by 16 days. The tolled deadline for the preliminary determinations of these investigations is January 13, 2014.

Postponement of the Preliminary Determinations

On December 5, 2013, Petitioners[4] made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determinations in these investigations to afford the Department additional time to review the respondent's sections A, B, C, and D questionnaire submissions and supplemental responses with revised data, as well as other information critical to the proceedings, such as the cost investigation of Russian ferrosilicon, the mandatory respondent's complex corporate structure and sales processes,[5] review all questionnaire responses and supplemental responses complicated by a potential cost investigation of FerroAtlantica de Venezuela, S.A.[6] ("FerroVen"), and data reported by FerroVen affected by high inflation in the Venezuelan economy.[7]

Because there are no compelling reasons to deny the request, the Department is postponing the deadline for the preliminary determinations in these investigations by 50 days to March 4, 2014, pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e). In accordance with section 735(a)(1) of the Act, the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless extended at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: December 17, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–30531 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–922, A–583–842]

Raw Flexible Magnets From the People's Republic of China and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 1, 2013, the Department of Commerce (the Department) published the initiation of the first sunset reviews of the antidumping duty orders on raw flexible magnets from the People's Republic of China and Taiwan pursuant to section 751(c) of the Tariff Act of 1930 (the Act), as amended.[1] The Department finds that revocation of these antidumping duty orders would be likely to lead to continuation or recurrence of dumping as indicated in the "Final Results of Sunset Reviews" section of this notice.

DATES: *Effective Date:* December 23, 2013.

FOR FURTHER INFORMATION: Michael A. Romani or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department received a notice of intent to participate in these sunset reviews from Magnum Magnetics Corporation (the domestic interested party), within the 15-day period specified in 19 CFR 351.218(d)(1)(i). The domestic interested party claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product.

The Department received an adequate substantive response to the *Notice of Initiation* from the domestic interested party within the 30-day period specified

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[1] *See Ferrosilicon From the Russian Federation and Venezuelo: Initiotion of Antidumping Duty Investigotions,* 78 FR 49471 (August 14, 2013) (*"Initiation Notice"*).

[2] *See id.,* 78 FR at 49474.

[3] *See* "Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, 'Deadlines Affected by the Shutdown of the Federal Government,'" dated October 18, 2013.

[4] Petitioners are Globe Specialty Metals, Inc.; CC Metals and Alloys, LLC; the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union; and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW").

[5] *See* Letter to the Department from Petitioners; re: Ferrosilicon From the Russian Federation; Request for Postponement of the Preliminary Determination, dated December 5 2013.

[6] *See* Letter to the Department from Petitioners; re: Ferrosilicon From Venezuela; Request for Postponement of the Preliminary Determination, dated December 5 2013.

[7] *See id.*

[1] *See Initiotion of Five-Yeor ("Sunset") Review,* 78 FR 46575 (August 1, 2013) (*Notice of Initiotion*).

in 19 CFR 351.218(d)(3)(i). The Department received no substantive response from any respondent interested parties. In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(*2*), the Department has conducted expedited (120-day) sunset reviews of the antidumping duty orders on raw flexible magnets from the People's Republic of China and Taiwan.

Scope of the Orders

The products subject to these orders are certain flexible magnets regardless of shape,[2] color, or packaging.[3] The complete scope language of these orders is listed in the Issues and Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Issues and Decision Memorandum), which is hereby adopted by this notice. The products subject to the orders are currently classifiable principally under subheadings 8505.19.10 and 8505.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided only for convenience and customs purposes; the written description of the scope of the orders is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of dumping margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum, which is on file electronically via IA ACCESS. IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit (CRU) in Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.ita.doc.gov/frn/index.html*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

[2] The term "shape" includes, but is not limited to profiles, which are flexible magnets with a non-rectangular cross-section.

[3] Packaging includes retail or specialty packaging such as digital printer cartridges.

Final Results of Reviews

The Department determines that revocation of the antidumping duty orders on raw flexible magnets from the People's Republic of China and Taiwan would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/producers/exporters	Weighted-average margin (percent)
People's Republic of China:	
Exporters with a separate rate	105.00
Exporters which are part of the country-wide entity	185.28
Taiwan:	
Kin Fong Magnets Co., Ltd	38.03
Magruba Flexible Magnets Co., Ltd	38.03
JASDI Magnet Co., Ltd	38.03
All others	31.20

Notification to Interested Parties

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing the final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–30511 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Virginia, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 13–025. Applicant: University of Virginia, Charlottesville, VA 22904–4745. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Docket Number: 13–026. Applicant: Yale University, 850 West Haven, CT 06516. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Docket Number: 13–027. Applicant: United States Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010–5400. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Docket Number: 13–029. Applicant: Arizona State University, Tempe, AZ 85287–5212. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Docket Number: 13–032. Applicant: Howard Hughes Medical Institute, Chevy Chase, MD 20815. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Docket Number: 13–033. Applicant: University of Pittsburgh School of Medicine, Pittsburgh, PA 15261. Instrument: Electron Microsocpe. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 78 FR 52760, August 26, 2013.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: December 17, 2013.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2013–30568 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–923]

Raw Flexible Magnets From the People's Republic of China: Final Results of Expedited Sunset Review

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 1, 2013, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty ("CVD") order on raw flexible magnets ("RFM") from the People's Republic of China ("PRC") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties and an inadequate response from respondent interested parties (in this case, no response), the Department conducted an expedited sunset review of this CVD order pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the "Final Results of Review" section of this notice.

DATES: *Effective Date:* December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2013, the Department initiated a sunset review of the CVD order on RFP from the PRC pursuant to section 751(c) of the Act.[1] The Department received a notice of intent to participate in the review on behalf of Magnum Magnetics Corporation of Marietta, Ohio ("Magnum Magnetics") within the deadline specified in 19 CFR 351.218(d)(1)(i). Magnum Magnetics claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of the domestic like product.

The Department received adequate substantive responses collectively from Magnum Magnetics within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any government or respondent interested party to the proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this CVD order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The products covered by this order are certain flexible magnets regardless of shape,[2] color, or packaging.[3] Subject flexible magnets are bonded magnets composed (not necessarily exclusively) of (i) any one or combination of various flexible binders (such as polymers or co-polymers, or rubber) and (ii) a magnetic element, which may consist of a ferrite permanent magnet material (commonly, strontium or barium ferrite, or a combination of the two), a metal alloy (such as NdFeB or Alnico), any combination of the foregoing with each other or any other material, or any other material capable of being permanently magnetized.

Subject flexible magnets may be in either magnetized or unmagnetized (including demagnetized) condition, and may or may not be fully or partially laminated or fully or partially bonded with paper, plastic, or other material, of any composition and/or color. Subject flexible magnets may be uncoated or may be coated with an adhesive or any other coating or combination of coatings.

Specifically excluded from the scope of this order are printed flexible magnets, defined as flexible magnets (including individual magnets) that are laminated or bonded with paper, plastic, or other material if such paper, plastic, or other material bears printed text and/or images, including but not limited to business cards, calendars, poetry, sports event schedules, business promotions, decorative motifs, and the like. This exclusion does not apply to such printed flexible magnets if the printing concerned consists of only the following: A trade mark or trade name; country of origin; border, stripes, or lines; any printing that is removed in the course of cutting and/or printing magnets for retail sale or other disposition from the flexible magnet; manufacturing or use instructions (*e.g.*, "print this side up," "this side up," "laminate here"); printing on adhesive backing (that is, material to be removed in order to expose adhesive for use such as application of laminate) or on any other covering that is removed from the flexible magnet prior or subsequent to final printing and before use; non-permanent printing (that is, printing in a medium that facilitates easy removal, permitting the flexible magnet to be re-printed); printing on the back (magnetic) side; or any combination of the above.

All products meeting the physical description of subject merchandise that are not specifically excluded are within the scope of this order. The products covered by the order are currently classifiable principally under subheadings 8505.19.10 and 8505.19.20 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The HTSUS subheadings are provided only for convenience and customs purposes; the written description of the scope of this order is dispositive. For a full description of the scope, *see* "Issues and Decision Memorandum for the Final Results of Expedited Sunset Review of the Countervailing Duty Order on Raw Flexible Magnets from the People's Republic of China" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this final notice, and hereby adopted by this notice ("Issues and Decision Memorandum").

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum which is on file electronically via the Import Administration Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered

[1] *See Initiation of Five-Year ("Sunset") Review*, 78 FR 46575 (August 1, 2013).

[2] The term "shape" includes, but is not limited to profiles, which are flexible magnets with a non-rectangular cross-section.

[3] Packaging includes retail or specialty packaging such as digital printer cartridges.

users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.ita.doc.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the CVD order on RFM from the PRC would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producers/exporters	Net countervailable subsidy (percent)
China Ningbo Cixi Import Export Corporation.	109.95 percent *ad valorem.*
Polyflex Magnets Ltd	109.95 percent *ad valorem.*
All Others	109.95 percent *ad valorem.*

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–30329 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an Open Meeting.

SUMMARY: The Manufacturing Council will hold a meeting to discuss the work the Council will focus on in 2014. At the meeting, the Council will hear updates from its four subcommittees on workforce development and public perception of manufacturing; manufacturing energy policy; tax policy and export growth; and innovation, research and development. The Council will discuss current workforce development efforts by the federal government, the opportunities for increasing alternative energy efforts in manufacturing, and specific ideas for innovation improvements in manufacturing. The Council will also discuss and deliberate a letter of recommendation on corporate tax reform. A final agenda will be available on the Council's Web site one week prior to the meeting. The Council was re-chartered on April 5, 2012, to advise the Secretary of Commerce on government programs and policies that affect U.S. manufacturing and provide a means of ensuring regular contact between the U.S. Government and the manufacturing sector.

DATES: January 14, 2014, 8:30 a.m.–12:00 p.m. Eastern Standard Time (CST).

ADDRESSES: The meeting will be held at the Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230. Due to building security, all attendees must pre-register. This meeting will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than January 6, 2014, to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202–482–1369, *elizabeth.emanuel@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

FOR FURTHER INFORMATION CONTACT: Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.*

SUPPLEMENTARY INFORMATION: A limited amount of time, from 11:45 a.m.–12:00 p.m., will be made available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to 5 minutes per person. Individuals wishing to reserve speaking time during the meeting must contact Ms. Emanuel and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed speaker, by 5:00 p.m. EST on Monday, January 6, 2014. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to bring at least 25 copies of their oral comments for distribution to the members of the Manufacturing Council and to the public at the meeting. Any member of the public may submit pertinent written comments concerning the Manufacturing Council's affairs at any time before or after the meeting. Comments may be submitted to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.* To be considered during the meeting, written comments must be received by 5:00 p.m. EST on Monday, January 6, 2014, to ensure transmission to the Manufacturing Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: December 18, 2013.

Elizabeth Emanuel,

Executive Secretary, The Manufacturing Council.

[FR Doc. 2013–30498 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Vacancies on the U.S. Section of the U.S.-Iraq Business Dialogue

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Amendment to Prior Notice.

SUMMARY: The U.S. Secretary of Commerce and the Iraq Minister of Trade in July 2006 established the U.S.-Iraq Business Dialogue (Business Dialogue or Dialogue) as a bilateral forum to facilitate private sector business growth in Iraq and to strengthen trade and investment ties between the United States and Iraq. This notice announces an amendment to a previous Notice and extends the deadline for applications to fill ten open

membership opportunities for representatives of American industry to join the U.S. section of the Dialogue.

DATES: Applications must be received no later than December 31, 2013; 5:00 p.m. EST.

ADDRESSES: Please send requests for consideration and supporting material by Federal Express, U.S. Postal Service, or fax on 202–482–0878 to Mr. Tom Sams, Acting Director, Office of the Middle East, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 2029B, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Kevin M. Reichelt, Office of the Middle East, U.S. Department of Commerce, Room 2029B, Washington, DC 20230. Email: *Kevin.Reichelt@trade.gov;* Phone: 202–482–2896.

SUPPLEMENTARY INFORMATION: The U.S. Secretary of Commerce and the Iraqi Minister of Trade co-chair the Dialogue. The Dialogue consists of a U.S. Section and an Iraqi Section. Each Section consists of members from the private sector, representing the views and interests of the private sector business community. Each Party appoints the members to its respective Section. The Sections provide policy advice and counsel to the U.S. Secretary of Commerce and to Iraq's Minister of Trade that reflect private sector views, needs, and concerns regarding private sector business development in Iraq and enhanced bilateral commercial ties that would form the basis for expanded trade between the United States and Iraq. The Dialogue will exchange information and encourage bilateral discussions that address the following areas:

—Factors that affect the growth of private sector business in Iraq, including disincentives to trade and investment and regulatory obstacles to job creation and investment growth;
—Initiatives that the Government of Iraq might take, such as enacting, amending, enforcing, or repealing laws and regulations, to promote private sector business growth in Iraq;
—Promotion of business opportunities in both Iraq and the United States, and identification of opportunities for U.S. and Iraqi firms to work together; and
—Attracting U.S. businesses to opportunities in Iraq and serving as a catalyst for Iraqi private sector growth.

Applications to represent any sector will be considered. The U.S. section will represent a cross-section of American businesses.

Members serve in a representative capacity representing the views and interests of their particular industries. Members are not special government employees, and receive no compensation for their participation in Dialogue activities. Only appointed members may participate in Dialogue meetings; substitutes and alternates will not be permitted. Section members serve for three-year terms, but may be reappointed. U.S. Section members serve at the discretion of the Secretary of Commerce.

Candidates will be evaluated based on: Their interest in the Iraqi market; export/investment experience in the Iraqi market; contribution to diversity based on size of company, geographic location, and sector; and ability to initiate and be responsible for activities in which the Business Dialogue will be active.

In order to be eligible for membership in the U.S. section, potential candidates shall be:

—A U.S. citizen residing in the United States or able to travel to the United States or other location to attend official Business Dialogue meetings;
—The President or CEO (or comparable level of responsibility) of a private sector company, or, in the case of large companies, a person having substantial responsibility for the company's commercial activities in Iraq, either of which shall possess unique experience with or specialized knowledge about the commercial environment in Iraq; or the head of a non-profit entity, such as a trade or industry association, who possesses unique technical expertise, and the ability to provide counsel with respect to private sector business development in Iraq; and
—Not a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended.
—Applicants may not be federally registered lobbyists, and, if appointed, will not be allowed to continue to serve as members of the U.S. Section of the Dialogue if the member becomes a federally-registered lobbyist.

Members will be selected on the basis of who best will carry out the objectives of the Business Dialogue as described above and as stated in the Terms of Reference for the Dialogue. (The Terms of Reference are available from the point of contact listed above.) Recommendations for appointment will be made to the Secretary of Commerce. All candidates will be notified of whether they have been selected.

To be considered for membership, please submit the following information as instructed in the addresses and dates captions above: Name(s) and title(s) of the individual(s) requesting consideration; name and address of company or non-profit entity to be represented; size of the company or non-profit entity; description of relevant product, service, or technical expertise; size of company's export trade, investment, and/or international program experience; nature of operations or interest in Iraq; responsibilities of the candidate within the company or non-profit entity; and a brief statement of why the candidate should be appointed, including information about the candidate's ability to initiate and be responsible for activities in which the Business Dialogue will be active.

Dated: December 2013.

Tom Sams,

Acting Director, Office of the Middle East, International Trade Administration.

[FR Doc. 2013–30385 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Building for Environmental and Economic Sustainability (BEES) Please

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 21, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joshua D. Kneifel, (301) 975–6857 or at *joshua.kneifel@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Over the last 19 years, the Engineering Laboratory of the National Institute of Standards and Technology (NIST) has developed and automated an approach for measuring the life-cycle environmental and economic performance of building products. Known as BEES (Building for Environmental and Economic Sustainability), the tool reduces complex, science-based technical content (e.g., over 500 material and energy flows from raw material extraction through product disposal) to decision-enabling results and delivers them in a visually intuitive graphical format. BEES Please is a voluntary program to collect data from product manufacturers so that the environmental performance of their products may be evaluated scientifically using BEES. NIST will publish in BEES Online (*http://ws680.nist.gov/bees*) an aggregated version of the data collected from manufacturers that protects data confidentiality, subject to manufacturer's review and approval. BEES measures environmental performance using the environmental life-cycle assessment approach specified in the International Organization for Standardization (ISO) 14040 series of standards. All stages in the life of a product are analyzed: Raw material acquisition, manufacture, transportation, installation, use, and recycling and waste management. Economic performance is measured using the ASTM International standard life-cycle cost method (E 917), which covers the costs of initial investment, replacement, operation, maintenance and repair, and disposal.

II. Method of Collection

Data on materials use, energy consumption, waste, and environmental releases will be collected using an electronic, MS Excel-based questionnaire. An electronic, MS Word-based User Manual accompanies the questionnaire to help in its completion.

III. Data

OMB Control Number: 0693–0036.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 30.

Estimated Time per Response: 62 hours and 30 minutes.

Estimated Total Annual Burden Hours: 1,875.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 18, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–30501 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD008

2014 Annual Determination for Sea Turtle Observer Requirement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The National Marine Fisheries Service (NMFS) is providing notification that the agency will not identify additional fisheries to observe on the Annual Determination (AD) for 2014, pursuant to its authority under the Endangered Species Act (ESA). Through an AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS' request. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate existing measures to prevent or reduce prohibited sea turtle takes, and to determine whether additional measures to implement the prohibition against sea turtle takes may be necessary. Fisheries identified in the 2010 AD (see Table 1) remain on the AD for a five year period and are therefore required to carry observers upon NMFS' request until December 31, 2014.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for a listing of all Regional Offices.

FOR FURTHER INFORMATION CONTACT: Sara McNulty, Office of Protected Resources, 301–427–8402; Ellen Keane, Northeast Region, 978–282–8476; Dennis Klemm, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 562–980–4023; Dawn Golden, Pacific Islands Region, 808–944–2252. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Availability of Published Materials

Information regarding the Sea Turtle Observer Requirement for Fisheries (72 FR 43176, August 3, 2007) may be obtained at *www.nmfs.noaa.gov/pr/species/turtles/regulations.htm* or from any NMFS Regional Office at the addresses listed below:

- NMFS, Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930;
- NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701;
- NMFS, West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802;
- NMFS, Pacific Islands Region, Protected Resources, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814.

Purpose of the Sea Turtle Observer Requirement

Under the ESA, 16 U.S.C. 1531 *et seq.*, NMFS has the responsibility to implement programs to conserve marine life listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta;* North Pacific distinct population segment), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (*Caretta caretta;* Northwest Atlantic distinct population segment), green (*Chelonia mydas*), and olive ridley (*Lepidochelys olivacea*) sea turtles are listed as threatened, except for breeding colony populations of green turtles in Florida and on the Pacific coast of Mexico, and breeding colony populations of olive ridleys on the

Pacific coast of Mexico, which are listed as endangered. Due to the inability to distinguish between populations of green and olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered wherever they occur in U.S. waters. While some sea turtle populations have shown signs of recovery, many populations continue to decline.

Incidental take, or bycatch, in fishing gear is one of the main sources of sea turtle injury and mortality nationwide. Section 9 of the ESA prohibits the take (including harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). Sections 9 and 11 of the ESA authorize the issuance of regulations to enforce the take prohibitions. NMFS may grant exceptions to the take prohibitions with an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine that the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception primarily because we lack information about fishery-sea turtle interactions.

The most effective way for NMFS to learn more about sea turtle-fishery interactions in order to prevent or minimize take is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) to establish procedures through which each year NMFS will identify, pursuant to specified criteria and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176, August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, either recreational or commercial, operating in U.S. territorial waters, the U.S. exclusive economic zone (EEZ), or on the high seas, or on vessels that are otherwise subject to the jurisdiction of the United States. Failure to comply with the requirements under this rule may result in civil or criminal penalties under the ESA.

NMFS and/or interested cooperating entities will pay the direct costs for vessels to carry observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be eligible to be observed for a five year period without further action by NMFS. This will enable NMFS to develop an appropriate sampling protocol to investigate whether, how, when, where, and under what conditions incidental takes are occurring; to evaluate whether existing measures are minimizing or preventing takes; and to determine whether additional measures are needed to conserve and recover turtles.

2014 Annual Determination

NMFS is providing notification that the agency will not identify additional fisheries to observe for the 2014 AD, pursuant to its authority under the ESA. NMFS is not identifying additional fisheries at this time given lack of dedicated resources to implement new or expand existing observer programs to focus on sea turtles (50 CFR 222.402(a)(4)). Fisheries identified in the 2010 AD (see Table 1) remain on the AD for a five year period and are therefore required to carry observers upon NMFS' request until December 31, 2014. NMFS did not identify additional fisheries to observe in the 2011 AD, 2012 AD or in the 2013 AD.

TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE ANNUAL DETERMINATION

Fishery	Years eligible to carry observers
Trawl Fisheries:	
Atlantic shellfish bottom trawl	2010–2014
Mid-Atlantic bottom trawl	2010–2014
Mid-Atlantic mid-water trawl (including pair trawl)	2010–2014
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	2010–2014
Gillnet Fisheries:	
CA halibut, white seabass and other species set gillnet (>3.5 in mesh)	2010–2014
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size >3.5 in. and <14 in.)	2010–2014
Chesapeake Bay inshore gillnet	2010–2014
Long Island inshore gillnet	2010–2014
Mid-Atlantic gillnet	2010–2014
North Carolina inshore gillnet	2010–2014
Northeast sink gillnet	2010–2014
Southeast Atlantic gillnet	2010–2014
Trap/Pot Fisheries:	
Atlantic blue crab trap/pot	2010–2014
Atlantic mixed species trap/pot	2010–2014
Northeast/mid-Atlantic American lobster trap/pot	2010–2014
Pound Net/Weir/Seine Fisheries:	
Mid-Atlantic haul/beach seine	2010–2014
Mid-Atlantic menhaden purse seine	2010–2014
U.S. mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net)	2010–2014
Virginia pound net	2010–2014

Dated: December 16, 2013.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–30541 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Foreign Fishing Vessel Permits, Vessel, and Gear Identification, and Reporting Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 21, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Wildman, (301) 427–8386 or *mark.wildman@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection. The National Marine Fisheries Service (NMFS) issues permits, under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.;* MSA), to foreign fishing vessels fishing or operating in U.S. waters. MSA and associated regulations at 50 CFR Part 600 requires applications for the permits, vessels and certain gear be marked for identification purposes, and for permit holders to report their fishing effort and catch or, when processing fish, amount and locations of fish received from U.S. vessels. These requirements apply to all foreign vessels fishing, transshipping, or processing fish in U.S. waters. Information is collected from persons who operate a foreign fishing vessel in U.S. waters to participate in a directed fishery or joint venture operation, transship fish harvested by a U.S. vessel to a location outside the U.S., or process fish in internal waters. Each person may be required to submit information for a permit, mark their vessels and gear, or submit information about their fishing activities. To facilitate observer coverage, foreign fishing vessel operators must provide a quarterly schedule of fishing effort and upon request must also provide observers with copies of any required records. For foreign fishing vessels that process fish in internal waters, the information collected varies somewhat from other foreign fishing vessels that participate in a directed fishery or a joint venture operation. In particular these vessels may not be required to provide a permit application or mark their vessels. The information submitted in applications is used to determine whether permits should be used to authorize directed foreign fishing, participation in joint ventures with U.S. vessels, or transshipments of fish or fish products within U.S. waters. The display of identifying numbers on vessels and gear aid in fishery law enforcement and allows other fishermen to report suspicious activity. Reporting of fishing activities allows monitoring of fish received by foreign vessels.

II. Method of Collection

Foreign fishing activity reports are made by radio when fishing begins or ceases, to report on transfers of fish, and to file weekly reports on the catch or receipt of fish. Weekly reports may be submitted by fax or email. Recordkeeping requirement for foreign vessels include a communications log, a transfer log, a daily fishing log, a consolidated fishing or joint venture log, and a daily joint venture log. These records must be maintained for three years. Paper forms are used for foreign fishing vessel permit applications. No information is submitted for the vessel and gear marking requirements.

III. Data

OMB Control Number: 0648–0075.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8.

Estimated Time per Response: For permit applications: one and one-half hours for an application for a directed fishery; two hours for a joint venture application, and 45 minutes for a transshipment permit. For fishing activity reporting: 6 minutes for a joint venture report; 30 minutes per day for joint venture recordkeeping; and 7½ minutes per day for recordkeeping by transport vessels. For weekly reports, 30 minutes per response. For foreign vessel and gear identification marking: 15 minutes per marking.

Estimated Total Annual Burden Hours: 82.

Estimated Total Annual Cost to Public: $3,337 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 17, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–30455 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC279

Endangered and Threatened Species; Recovery Plans

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Availability.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the adoption of an Endangered Species Act (ESA) recovery plan for the South-Central California Coast Steelhead *(Oncorhynchus mykiss)* Distinct Population Segment (DPS), which spawn and rear in coastal rivers from the Pajaro River to Arroyo Grande Creek, California. The Final South-Central California Coast Steelhead

Recovery Plan (Final Recovery Plan) is now available.

ADDRESSES: Electronic copies of the Final Recovery Plan are available online at *http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/south_central_southern_california_coast/south_central_southern_california_salmon_recovery_domain.html.* A CD ROM of these documents can be obtained by emailing a request to *Anthony.Spina@noaa.gov* or by writing to NMFS at 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Anthony Spina, National Marine Fisheries Service, (562) 980–4045.

SUPPLEMENTARY INFORMATION:

Background

The ESA, as amended (16 U.S.C. 1531 *et seq.*) requires that we develop and implement recovery plans for the conservation and survival of threatened and endangered species under our jurisdiction, unless it is determined that such plans would not result in the conservation of the species. We designated the South-Central California Coast Steelhead Evolutionarily Significant Unit (ESU) as threatened in the **Federal Register** on August 18, 1997 (62 FR 43937). NMFS reaffirmed the listing of all West Coast steelhead populations and applied the DPS designation in place of the ESU designation on January 5, 2006 (72 FR 834).

We published a Notice of Availability of the proposed Draft Recovery Plan in the **Federal Register** on October 19, 2012 (77 FR 64316). NMFS held eight multi-day public meetings on the threats assessment and recovery actions, and two public meetings on the proposed draft Recovery Plan to solicit public comments. We received over 40 comments on the proposed draft Recovery Plan. We revised the proposed draft Recovery Plan based on the comments received, and this final version now constitutes the Recovery Plan for the South-Central California Coast Steelhead DPS.

The ESA requires that recovery plans incorporate, to the extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. Our goal is to restore the threatened South-Central California Coast Steelhead DPS to the point where they are again secure, self-sustaining members of their ecosystems and no longer need the protections of the ESA.

The Final Recovery Plan provides background on the natural history of South-Central California Coast Steelhead DPS, current population trends, and the threats to their viability. The Final Recovery Plan lays out a recovery strategy to address the threats based on the best available science and includes goals that incorporate objective, measurable criteria which, when met, would result in a determination that the species may be removed from the Federal list of threatened and endangered species. The Final Recovery Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of the South-Central California Coast Steelhead DPS. The Final Recovery Plan identifies substantive recovery actions needed to achieve recovery by addressing the systemic threats to the species, and provides a time-line and estimated costs of recovery actions. The strategy for recovery includes a linkage between conservation and management actions and an active research and monitoring program intended to fill data gaps and assess effectiveness of those actions. The Final Recovery Plan incorporates an adaptive management framework by which conservation and management actions and other elements will evolve and adapt as we gain information through research and monitoring; it describes the agency guidance for periodic review of the status of the species and the recovery plan. To address threats related to the species, the Final Recovery Plan acknowledges many of the significant efforts already underway to restore steelhead access to high quality habitat and to improve habitat previously degraded.

We expect the Final Recovery Plan to help us and other Federal agencies take a consistent approach to section 7 consultations under the ESA and to other ESA decisions. For example, the Final Recovery Plan will provide information on the biological context for the effects that a proposed action may have on the listed DPS. The information in the Final Recovery Plan on the natural history, threats, and potential limiting factors, and priorities for recovery can be used to help assess risks and conservation actions. Consistent with the adoption of this Final Recovery Plan for the South-Central California Coast Steelhead DPS, we will implement relevant actions for which we have authority, work cooperatively on implementation of other actions, and encourage other Federal and state agencies to implement recovery actions for which they have responsibility and authority.

Recovery of the South-Central California Coast Steelhead DPS will require a long-term effort in cooperation and coordination with Federal, state, tribal and local government agencies, and the community.

Conclusion

NMFS has reviewed the Plan for compliance with the requirements of the ESA section 4(f), determined that it does incorporate the required elements and is therefore adopting it as the Final Recovery Plan for South-Central California Coast Steelhead DPS.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: December 18, 2013.

Angela Somma,

Division Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–30478 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD017

Appointments to a Recreational Fisheries Working Group by the Marine Fisheries Advisory Committee

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for applications.

SUMMARY: Applications are being solicited for appointment to a Recreational Fisheries Working Group of the Marine Fisheries Advisory Committee (MAFAC). The members will be appointed by MAFAC in consultation with NOAA and will serve for an initial term of up to two years, with the option to apply for re-appointment. The term would begin in February 2014. Nominees should possess demonstrable expertise in one or more of the following: The management or business of recreational fishing and/or fisheries science; a well-informed background in recreational fisheries issues; an operational knowledge of federal agencies and interactions with the Fishery Management Councils and/or regional and state partners; and be able to fulfill the time commitments required for up to one annual meeting, and conference calls quarterly.

DATES: Applications must be received on or before January 22, 2014, via mail or email.

ADDRESSES: Applications should be sent to Danielle Rioux, Recreational Fisheries Policy Specialist, NMFS SF–13336, 1315 East-West Highway, Silver Spring, MD 20910 or *Danielle.Rioux@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Danielle Rioux, Recreational Fisheries Policy Specialist; (301) 427–8516; email: *Danielle.Rioux@noaa.gov*.

SUPPLEMENTARY INFORMATION: MAFAC is the only federal advisory committee with the responsibility to advise the Secretary of Commerce on all matters concerning living marine resources that are the responsibility of the Department of Commerce. MAFAC established a Recreational Fisheries Working Group (RFWG) in 2010, to assist it in the development of recommendations to the Secretary on regulations, policies and programs critical to the mission and goals of the NMFS. The RFWG is composed of people with a specific interest and qualification related to NOAA's recreational fisheries-related activities. The RFWG is composed of up to 25 members who are selected to achieve a balance of the diverse national and regional recreational fisheries sector and community perspectives. With this solicitation up to 16 seats on the RFWG will be filled.

MAFAC established the RFWG to advise MAFAC on issues of importance to the recreational fishing community, such as, but not limited to: (1) Review and possible revision of the NOAA National and Regional Recreational Fisheries Action Agendas, (2) planning for and participation in a National Saltwater Recreational Fishing Summit, and (3) such other recreational fisheries issues and activities identified as appropriate by MAFAC.

The RFWG members cannot be employed by NOAA or a member of a Regional Fishery Management Council or have been registered as a lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives within two years of the date of appointment. Membership is voluntary, and except for reimbursable travel and related expenses, service is without pay.

Each submission should provide the applicant's name and affiliation (i.e., private angler, charterboat, trade association, etc.); contact information including address, phone number, fax number, and email address (if available); and should describe the applicant's qualifying experience in the following areas:

1. Expertise in the management or business of recreational fishing, and/or fisheries science;
2. Informed background in recreational fisheries issues; and
3. Operational knowledge of federal agencies and interactions with the Fishery Management Councils and/or regional and state partners.

Letters of support will be accepted and may be submitted with the application or separately. Applications and letter(s) of support should be sent to (see **ADDRESSES**) and must be received by (see **DATES**). The full text of the MAFAC Charter and its current membership can be viewed at the NMFS Web page at *www.nmfs.noaa.gov/mafac.htm*.

Dated: December 17, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–30523 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Bait and Tackle Store Cost-Earnings Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 21, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Cliff Hutt, (301) 427–8588 or *cliff.hutt@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new collection of information.

The objective of the survey is to collect information on the operational structure of bait and tackle stores that cater to marine recreational anglers. The survey will ask store owners to characterize and quantify their operational costs and sales revenues in addition to describing their clientele. As specified in the Magnuson-Stevenson Fishery Conservation and Management Act of 1996 (and reauthorized in 2007), National Marine Fisheries Service (NMFS) is required to enumerate the economic impacts of the policies it implements on fishing participants and coastal communities. The cost and earnings data collected in this survey will be used to estimate the economic contributions and impacts of bait and tackle stores regionally and nationwide.

II. Method of Collection

The primary data collection vehicle will be mail or internet-based surveys, but telephone and personal interviews may be employed to supplement and verify mail survey responses.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individual store owners and/or managers.

Estimated Number of Respondents: 2,500.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,250.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 17, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–30456 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC893

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from the Partnership for Interdisciplinary Study of Coastal Oceans (PISCO) at the University of California (UC) Santa Cruz for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to rocky intertidal monitoring surveys. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to PISCO to incidentally take, by Level B harassment only, marine mammals during the specified activity.

DATES: Comments and information must be received no later than January 22, 2014.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Nachman@noaa.gov*. NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 25-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application containing a list of the references used in this document and associated Environmental Assessment (EA) may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. PISCO's 2012–2013 monitoring report can also be found at this Web site. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as ". . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: "any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

Summary of Request

On July 10, 2013, NMFS received an application from PISCO for the taking of marine mammals incidental to rocky intertidal monitoring surveys along the Oregon and California coasts. NMFS determined that the application was adequate and complete on July 31, 2013. In December 2012, NMFS issued a 1-year IHA to PISCO to take marine mammals incidental to these same proposed activities (77 FR 72327, December 5, 2012). This IHA will expire on December 2, 2013.

The research group at UC Santa Cruz operates in collaboration with two large-scale marine research programs: PISCO and the Multi-agency Rocky Intertidal Network. The research group at UC Santa Cruz (PISCO) is responsible for many of the ongoing rocky intertidal monitoring programs along the Pacific coast. Monitoring occurs at rocky intertidal sites, often large bedrock benches, from the high intertidal to the water's edge. Long-term monitoring projects include Community Structure Monitoring, Intertidal Biodiversity Surveys, Marine Protected Area Baseline Monitoring, Intertidal Recruitment Monitoring, and Ocean Acidification. Research is conducted throughout the year along the California and Oregon coasts and will continue indefinitely. Most sites are sampled one to two times per year over a 4–6 hour period during a negative low tide series. This IHA, if issued, though, would only be effective for a 12-month period from the date of its issuance. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Presence of survey personnel near pinniped haulout sites

and approach of survey personnel towards hauled out pinnipeds. Take, by Level B harassment only, of individuals of three species of marine mammals is anticipated to result from the specified activity.

Description of the Specified Activity and Specified Geographic Region

PISCO focuses on understanding the nearshore ecosystems of the U.S. west coast through a number of interdisciplinary collaborations. PISCO integrates long-term monitoring of ecological and oceanographic processes at dozens of sites with experimental work in the lab and field. A short description of each project is contained here. Additional information can be found in PISCO's application (see **ADDRESSES**).

Community Structure Monitoring involves the use of permanent photoplot quadrats which target specific algal and invertebrate assemblages (e.g. mussels, rockweeds, barnacles). Each photoplot is photographed and scored for percent cover. The Community Structure Monitoring approach is based largely on surveys that quantify the percent cover and distribution of algae and invertebrates that constitute these communities. This approach allows researchers to quantify both the patterns of abundance of targeted species, as well as characterize changes in the communities in which they reside. Such information provides managers with insight into the causes and consequences of changes in species abundance. Each Community Structure site is surveyed over a 1-day period during a low tide series one to two times a year. Sites, location, number of times sampled per year, and typical sampling months for each site are presented in Table 1 in PISCO's application (see **ADDRESSES**).

Biodiversity Surveys, which are part of a long-term monitoring project and are conducted every 3–5 years at established sites, involve point contact identification along permanent transects, mobile invertebrate quadrat counts, sea star band counts, and tidal height topographic measurements. Table 2 in PISCO's application (see **ADDRESSES**) lists established biodiversity sites in Oregon and California. No Biodiversity Surveys are planned to be conducted during the 12-month period that this proposed IHA would be effective (if issued).

In September 2007, the state of California began establishing a network of Marine Protected Areas along the California coast as part of the Marine Life Protection Act (MLPA). Under baseline monitoring programs funded by Sea Grant and the Ocean Protection Council, PISCO established additional intertidal monitoring sites in the Central Coast (Table 3 in PISCO's application), North Central Coast (Table 4 in PISCO's application), and South Coast (Table 5 in PISCO's application) study regions. Baseline characterization of newly established areas involves sampling of these new sites, as well as established sites both within and outside of marine protected areas. These sites were sampled using existing Community Structure and Biodiversity protocols for consistency. Resampling of newly established sites may take place every 5 years as part of future marine protected area evaluation.

Intertidal recruitment monitoring collects data on invertebrate larval recruitment. Mussel and other bivalve recruits are collected in mesh pot-scrubbers bolted into the substrate. Barnacle recruits and cyprids are collected on PVC plates covered in non-slip tape and bolted to the substrate. Both are collected once a month and processed in the lab. Intertidal recruitment monitoring is currently conducted on a monthly basis at two central California sites: Terrace Point and Hopkins.

The Ocean Margin Ecosystems Group for Acidification Studies is a National Science Foundation funded project that involves research at eight sites along the California Current upwelling system from Southern California into Oregon. PISCO is responsible for research at three of these sites—Hopkins, Terrace Point, and Soberanes—located in the Monterey Bay region of mainland California. The intention of this collaboration is to monitor oceanic pH on large spatial and temporal scales and to determine if any relationship exists between changing ocean chemistry and the state of intertidal calcifying organisms. The project involves field experiments, as well as lab studies. Currently these sites are visited two to three times per month for sampling and equipment maintenance.

During summer 2014, PISCO will sample eight sites along the Oregon coast (see Table 7 in PISCO's application) using a combination of community structure and biodiversity survey methods to establish a baseline prior to the proposed installation of several wave energy conversion device arrays. This baseline will be used to assess the effects of the arrays on nearshore communities.

Specified Geographic Location and Activity Timeframe

PISCO's research is conducted throughout the year along the California and Oregon coasts. Most sites are sampled one to two times per year over a 1-day period (4–6 hours per site) during a negative low tide series. Due to the large number of research sites, scheduling constraints, the necessity for negative low tides and favorable weather/ocean conditions, exact survey dates are variable and difficult to predict. Table 1 in PISCO's application (see **ADDRESSES**) outlines the typical sampling season for the various locations. Some sampling is anticipated to occur in all months, except for January, August, and September.

The intertidal zones where PISCO conducts intertidal monitoring are also areas where pinnipeds can be found hauled out on the shore at or adjacent to some research sites. Accessing portions of the intertidal habitat may cause incidental Level B (behavioral) harassment of pinnipeds through some unavoidable approaches if pinnipeds are hauled out directly in the study plots or while biologists walk from one location to another. No motorized equipment is involved in conducting these surveys. The species for which Level B harassment is requested are: California sea lions (*Zalophus californianus californianus*); harbor seals (*Phoca vitulina richardii*); and northern elephant seals (*Mirounga angustirostris*).

Description of Marine Mammals in the Area of the Specified Activity

Several pinniped species can be found along the California and Oregon coasts. The three that are most likely to occur at some of the research sites are California sea lion, harbor seal, and northern elephant seal. On rare occasions, PISCO researchers have seen very small numbers (i.e., five or fewer) of Steller sea lions at one of the sampling sites. These sightings are rare. Therefore, encounters are not expected. However, if Steller sea lions are sighted before approaching a sampling site, researchers will abandon approach and return at a later date. For this reason, this species is not considered further in this proposed IHA notice.

We refer the public to Carretta *et al.* (2013) for general information on these species which are presented below this section. The publication is available on the internet at: *http://www.nmfs.noaa.gov/pr/sars/pdf/po2012.pdf.* Additional information on the status, distribution, seasonal distribution, and life history can also be found in PISCO's application.

Northern Elephant Seal

Northern elephant seals are not listed as threatened or endangered under the

Endangered Species Act (ESA), nor are they categorized as depleted under the MMPA. The estimated population of the California breeding stock is approximately 124,000 animals with a minimum estimate of 74,913 (Carretta *et. al.,* 2013).

Northern elephant seals range in the eastern and central North Pacific Ocean, from as far north as Alaska and as far south as Mexico. Northern elephant seals spend much of the year, generally about nine months, in the ocean. They are usually underwater, diving to depths of about 330–800 m (1,000–2,500 ft) for 20- to 30-minute intervals with only short breaks at the surface. They are rarely seen out at sea for this reason. While on land, they prefer sandy beaches.

Northern elephant seals breed and give birth in California (U.S.) and Baja California (Mexico), primarily on offshore islands (Stewart *et al.,* 1994), from December to March (Stewart and Huber, 1993). Males feed near the eastern Aleutian Islands and in the Gulf of Alaska, and females feed further south, south of 45° N (Stewart and Huber, 1993; Le Boeuf *et al.,* 1993). Adults return to land between March and August to molt, with males returning later than females. Adults return to their feeding areas again between their spring/summer molting and their winter breeding seasons.

During PISCO research activities, the maximum number of northern elephant seals observed at a single site was at least 10 adults plus an unknown number of pups. These were observed offshore of Piedras Blancas. A small group of five adult elephant seals and five pups has been observed in the vicinity of our site at Piedras Blancas, and one elephant seal has been observed at Pigeon Point.

California Sea Lion

California sea lions are not listed as threatened or endangered under the ESA, nor are they categorized as depleted under the MMPA. The California sea lion is now a full species, separated from the Galapagos sea lion (*Z. wollebaeki*) and the extinct Japanese sea lion (*Z. japonicus*) (Brunner, 2003; Wolf *et al.,* 2007; Schramm *et al.,* 2009). The estimated population of the U.S. stock of California sea lion is approximately 296,750 animals with a minimum of 153,337 individuals, and the current maximum population growth rate is 12 percent (Carretta *et al.,* 2013).

California sea lion breeding areas are on islands located in southern California, in western Baja California, Mexico, and the Gulf of California. During the breeding season, most California sea lions inhabit southern California and Mexico. Rookery sites in southern California are limited to the San Miguel Islands and the southerly Channel Islands of San Nicolas, Santa Barbara, and San Clemente (Carretta *et al.,* 2011). Males establish breeding territories during May through July on both land and in the water. Females come ashore in mid-May and June where they give birth to a single pup approximately 4–5 days after arrival and will nurse pups for about a week before going on their first feeding trip. Females will alternate feeding trips with nursing bouts until the pup is weaned between 4 and 10 months of age (NMML, 2010). In central California, a small number of pups are born on Ano Nuevo Island, Southeast Farallon Island, and occasionally at a few other locations; otherwise, the central California population is composed of non-breeders.

A 2005 haul-out count of California sea lions between the Oregon/California border and Point Conception as well as the Channel Islands found 141,842 individuals (Carretta *et al.,* 2010). The number of sea lions found at any one of PISCO's study sites is variable, and often no California sea lions are observed during sampling.

Pacific Harbor Seal

Pacific harbor seals are not listed as threatened or endangered under the ESA, nor are they categorized as depleted under the MMPA. The estimated population of the California stock of Pacific harbor seals is approximately 30,196 animals with a minimum estimated population size of 26,667 (Carretta *et al.,* 2013). No current estimation of annual growth rate has been made for the California stock (Carretta *et al.,* 2013). A 1999 census of the Oregon/Washington harbor seal stock found 16,165 individuals, of which 5,735 were in Oregon (Carretta *et al.,* 2013). This stock is growing at a maximum annual rate of 12% (Carretta *et al.,* 2013).

The animals inhabit near-shore coastal and estuarine areas from Baja California, Mexico, to the Pribilof Islands in Alaska. Pacific harbor seals are divided into two subspecies: *P. v. stejnegeri* in the western North Pacific, near Japan, and *P. v. richardii* in the northeast Pacific Ocean. The latter subspecies, recognized as three separate stocks, inhabits the west coast of the continental U.S., including: The outer coastal waters of Oregon and Washington states; Washington state inland waters; and Alaska coastal and inland waters.

In California, over 500 harbor seal haulout sites are widely distributed along the mainland and offshore islands, and include rocky shores, beaches and intertidal sandbars (Lowry *et al.,* 2005). Harbor seals mate at sea, and females give birth during the spring and summer, although, the pupping season varies with latitude. Pups are nursed for an average of 24 days and are ready to swim minutes after being born. Harbor seal pupping takes place at many locations, and rookery size varies from a few pups to many hundreds of pups. Pupping generally occurs between March and June, and molting occurs between May and July (NCCOS, 2007).

At several sites, harbor seals are often observed and have the potential to be disturbed by researchers accessing or sampling the site. The largest number of harbor seals occurs at Hopkins where often 20–30 adults and 10–15 pups are hauled-out on a small beach adjacent to the sampling site.

Other Marine Mammals in the Proposed Action Area

California (southern) sea otters (*Enhydra lutris nereis*), listed as threatened under the ESA and categorized as depleted under the MMPA, usually range in coastal waters within 2 km (1.2 mi) of shore. This species is managed by the U.S. Fish and Wildlife Service and is not considered further in this notice.

Potential Effects of the Specified Activity on Marine Mammals

The appearance of researchers may have the potential to cause Level B harassment of any pinnipeds hauled out at sampling sites. Although marine mammals are never deliberately approached by abalone survey personnel, approach may be unavoidable if pinnipeds are hauled out in the immediate vicinity of the permanent study plots. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of researchers (e.g., turning the head, assuming a more upright posture) to flushing from the haul-out site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than 1 m (3.3 ft) or change the speed or direction of their movement in response to the presence of researchers are behaviorally harassed, and thus subject to Level B taking. Animals that respond to the presence of researchers by becoming alert, but do not move or change the nature of locomotion as described, are not

considered to have been subject to behavioral harassment.

Numerous studies have shown that human activity can flush harbor seals off haulout sites (Allen *et al.*, 1984; Calambokidis *et al.*, 1991; Suryan and Harvey, 1999; Mortenson *et al.*, 2000). The Hawaiian monk seal (*Monachus schauinslandi*) has been shown to avoid beaches that have been disturbed often by humans (Kenyon, 1972). And in one case, human disturbance appeared to cause Steller sea lions to desert a breeding area at Northeast Point on St. Paul Island, Alaska (Kenyon, 1962).

Typically, even those reactions constituting Level B harassment would result at most in temporary, short-term disturbance. In any given study season, researchers will visit sites one to two times per year for a total of 4–6 hours per visit. Therefore, disturbance of pinnipeds resulting from the presence of researchers lasts only for short periods of time and is separated by significant amounts of time in which no disturbance occurs. Because such disturbance is sporadic, rather than chronic, and of low intensity, individual marine mammals are unlikely to incur any detrimental impacts to vital rates or ability to forage and, thus, loss of fitness. Correspondingly, even local populations, much less the overall stocks of animals, are extremely unlikely to accrue any significantly detrimental impacts.

There are three ways in which disturbance, as described previously, could result in more than Level B harassment of marine mammals. All three are most likely to be consequences of stampeding, a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus, an occurrence that is not expected at the proposed sampling sites. The three situations are (1) falling when entering the water at high-relief locations; (2) extended separation of mothers and pups; and (3) crushing of elephant seal pups by large males during a stampede.

Because hauled-out animals may move towards the water when disturbed, there is the risk of injury if animals stampede towards shorelines with precipitous relief (e.g., cliffs). However, while cliffs do exist along the coast, shoreline habitats near the abalone study sites are of steeply sloping rocks with unimpeded and non-obstructive access to the water. If disturbed, hauled-out animals in these situations may move toward the water without risk of encountering barriers or hazards that would otherwise prevent them from leaving the area. In these circumstances, the risk of injury, serious injury, or death to hauled-out animals is very low. Thus, abalone research activity poses no risk that disturbed animals may fall and be injured or killed as a result of disturbance at high-relief locations.

The risk of marine mammal injury, serious injury, or mortality associated with rocky intertidal monitoring increases somewhat if disturbances occur during breeding season. These situations present increased potential for mothers and dependent pups to become separated and, if separated pairs do not quickly reunite, the risk of mortality to pups (through starvation) may increase. Separately, adult male elephant seals may trample elephant seal pups if disturbed, which could potentially result in the injury, serious injury, or mortality of the pups. The risk of either of these situations is greater in the event of a stampede.

Very few pups are anticipated to be encountered during the proposed monitoring surveys. No California sea lion pups are anticipated to be encountered, as rookery sites are typically limited to the islands. A very small number of harbor seal and northern elephant seal pups have been observed at a couple of the proposed monitoring sites over the past years. Though elephant seal pups are occasionally present when researchers visit survey sites, risk of pup mortalities is very low because elephant seals are far less reactive to researcher presence than the other two species. Further, pups are typically found on sand beaches, while study sites are located in the rocky intertidal zone, meaning that there is typically a buffer between researchers and pups. Finally, the caution used by researchers in approaching sites generally precludes the possibility of behavior, such as stampeding, that could result in extended separation of mothers and dependent pups or trampling of pups. No research would occur where separation of mother and her nursing pup or crushing of pups can become a concern.

In summary, NMFS does not anticipate that the proposed activities would result in the injury, serious injury, or mortality of pinnipeds because pups are only found at a couple of the proposed sampling locations during certain times of the year and that many rookeries occur on the offshore islands and not the mainland areas where the proposed activities would occur. In addition, researchers will exercise appropriate caution approaching sites, especially when pups are present and will redirect activities when pups are present.

Summary of Previous Monitoring

PISCO complied with the mitigation and monitoring that we required under the IHA issued in December 2012. In compliance with the IHA, PISCO submitted a reporting detailing the activities and marine mammal monitoring they conducted. The IHA required PISCO to conduct counts of pinnipeds present at study sites prior to approaching the sites and to record species counts and any observed reactions to the presence of the researchers.

From December 3, 2012, through August 31, 2013, PISCO researchers conducted rocky intertidal sampling at 73 sites during 79 days. During this time period, no injured, stranded, or dead pinnipeds were observed. Tables 9, 10, and 11 in PISCO's monitoring report (see **ADDRESSES**) outline marine mammal observations and reactions. No takes of northern elephant seals occurred at any of the sites. Level B harassment takes of harbor seals and California sea lions included short movements of 1–3 m (3.3–10 ft) away from researchers and in some instances flushing into the water.

Based on the results from the previous monitoring report, we conclude that these results support our original findings that the mitigation measures set forth in the 2012–2012 IHA effected the least practicable impact on the species or stocks. During periods of low tide (e.g., when tides are 0.6 m (2 ft) or less and low enough for pinnipeds to haul-out), we would expect the pinnipeds to return to the haulout site within 60 minutes of the disturbance (Allen *et al.*, 1985). The effects to pinnipeds appear at the most to displace the animals temporarily from their haul out sites, and we do not expect that the pinnipeds would permanently abandon a haul-out site during the conduct of rocky intertidal surveys.

The potential effects to marine mammals described in this section of the document do not take into consideration the proposed monitoring and mitigation measures described later in this document (see the "Proposed Mitigation" and "Proposed Monitoring and Reporting" sections) which, as noted, should effect the least practicable impact on affected marine mammal species and stocks.

Anticipated Effects on Marine Mammal Habitat

The only habitat modification associated with the proposed activity is the placement of permanent bolts and other sampling equipment in the intertidal. Bolts are installed during the

set-up of a site and, at existing sites, this has already occurred. In some instances, bolts will need to be replaced or installed for new plots. Bolts are 7.6 to 12.7 cm (2 to 5 in) long, stainless steel 1 cm (⅜ in) Hex or Carriage bolts. They are installed by drilling a hole with a battery powered DeWalt 24 volt rotary hammer drill with a 1 cm (⅜ in) bit. The bolts protrude 1.3–7.6 cm (0.5–3 in) above the rock surface and are held in place with marine epoxy. Although the drill does produce noticeable noise, researchers have never observed an instance where near-by or offshore marine mammals were disturbed by it. Any marine mammal at the site would likely be disturbed by the presence of researchers and retreat to a distance where the noise of the drill would not increase the disturbance. In most instances, wind and wave noise also drown out the noise of the drill. The installation of bolts and other sampling equipment is conducted under the appropriate permits (Monterey Bay National Marine Sanctuary, California State Parks). Once a particular study has ended, the respective sampling equipment is removed. No trash or field gear is left at a site. Thus, the proposed activity is not expected to have any habitat-related effects, including to marine mammal prey species, that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under Section 101(a)(5)(D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

PISCO proposes to implement several mitigation measures to reduce potential take by Level B (behavioral disturbance) harassment. Measures include: (1) Conducting slow movements and staying close to the ground to prevent or minimize stampeding; (2) avoiding loud noises (i.e., using hushed voices); (3) avoiding pinnipeds along access ways to sites by locating and taking a different access way and vacating the area as soon as sampling of the site is completed; (4) monitoring the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters; (5) using binoculars to detect pinnipeds before close approach to avoid being seen by animals; (6) only flushing pinnipeds if they are located in the sampling plots and there are no other means to accomplish the survey (however, flushing must be done slowly and quietly so as not to cause a stampede); (7) no intentional flushing if pups are present at the sampling site; and (8) rescheduling sampling if Steller sea lions are present at the site.

The methodologies and actions noted in this section will be utilized and included as mitigation measures in any issued IHA to ensure that impacts to marine mammals are mitigated to the lowest level practicable. The primary method of mitigating the risk of disturbance to pinnipeds, which will be in use at all times, is the selection of judicious routes of approach to study sites, avoiding close contact with pinnipeds hauled out on shore, and the use of extreme caution upon approach. In no case will marine mammals be deliberately approached by survey personnel, and in all cases every possible measure will be taken to select a pathway of approach to study sites that minimizes the number of marine mammals potentially harassed. In general, researchers will stay inshore of pinnipeds whenever possible to allow maximum escape to the ocean. Each visit to a given study site will last for approximately 4–6 hours, after which the site is vacated and can be re-occupied by any marine mammals that may have been disturbed by the presence of researchers. By arriving before low tide, worker presence will tend to encourage pinnipeds to move to other areas for the day before they haul out and settle onto rocks at low tide.

PISCO will suspend sampling and monitoring operations immediately if an injured marine mammal is found in the vicinity of the project area and the monitoring activities could aggravate its condition.

NMFS has carefully evaluated PISCO's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- the practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth "requirements pertaining to the monitoring and reporting of such taking". The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

PISCO can add to the knowledge of pinnipeds in California and Oregon by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

Proposed monitoring requirements in relation to PISCO's rocky intertidal monitoring will include observations made by the applicant. Information recorded will include species counts (with numbers of pups/juveniles when possible), numbers of observed disturbances, and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event. In addition, observations regarding the number and species of any marine mammals observed, either in the water or hauled out, at or adjacent to the site, will be recorded as part of field observations during research activities. Observations of unusual behaviors, numbers, or distributions of pinnipeds will be reported to NMFS so that any potential follow-up observations can be conducted by the appropriate personnel. In addition, observations of tag-bearing pinniped carcasses as well as any rare

or unusual species of marine mammals will be reported to NMFS. Information regarding physical and biological conditions pertaining to a site, as well as the date and time that research was conducted will also be noted.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the proposed research, PISCO will suspend research activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

A draft final report must be submitted to NMFS Office of Protected Resources within 60 days after the conclusion of the 2013–2014 field season or 60 days prior to the start of the next field season if a new IHA will be requested. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. A final report must be submitted to the Director of the NMFS Office of Protected Resources and to the NMFS Southwest Office Regional Administrator within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. The proposed mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by injury, serious injury, or mortality is considered remote. Animals hauled out close to the actual survey sites may be disturbed by the presence of biologists and may alter their behavior or attempt to move away from the researchers.

As discussed earlier, NMFS considers an animal to have been harassed if it moved greater than 1 m (3.3 ft) in response to the researcher's presence or if the animal was already moving and changed direction and/or speed, or if the animal flushed into the water. Animals that became alert without such movements were not considered harassed.

For the purpose of this proposed IHA, only Oregon and California sites that are frequently sampled and have a marine mammal presence during sampling were included in take estimates. Sites where only Biodiversity Surveys are conducted were not included due to the infrequency of sampling and rarity of occurrences of pinnipeds during sampling. In addition, Steller sea lions are not included in take estimates as they will not be disturbed by researchers or research activities since activities will not occur or will be suspended if Steller sea lions are present. A small number of harbor seal and northern elephant seal pup takes are anticipated as pups may be present at several sites during spring and summer sampling

Takes estimates are based on marine mammal observations from each site. Marine mammal observations are done as part of PISCO site observations, which include notes on physical and biological conditions at the site. The maximum number of marine mammals, by species, seen at any given time throughout the sampling day is recorded at the conclusion of sampling. A marine mammal is counted if it is seen on access ways to the site, at the site, or immediately up-coast or down-coast of the site. Marine mammals in the water immediately offshore are also recorded. Any other relevant information, including the location of a marine mammal relevant to the site, any unusual behavior, and the presence of pups is also noted.

These observations formed the basis from which researchers with extensive knowledge and experience at each site estimated the actual number of marine mammals that may be subject to take. In most cases the number of takes is based on the maximum number of marine mammals that have been observed at a site throughout the history of the site (2–3 observation per year for 5–10 years or more). Section 6 in PISCO's application outlines the number of visits per year for each sampling site and the potential number of pinnipeds anticipated to be encountered at each site. Table 8 in PISCO's application outlines the number of potential takes per site (see **ADDRESSES**).

Based on this information, NMFS proposes to authorize the take, by Level B harassment only, of 60 California sea lions, 337 harbor seals, and 36 northern elephant seals. These numbers are considered to be maximum take estimates; therefore, actual take may be slightly less if animals decide to haul out at a different location for the day or animals are out foraging at the time of the survey activities.

Negligible Impact and Small Numbers Analysis and Preliminary Determination

NMFS typically includes our negligible impact and small numbers analyses and determinations under the same section heading of our **Federal Register** notices. Despite co-locating these terms, we acknowledge that negligible impact and small numbers are distinct standards under the MMPA and treat them as such. The analyses presented below do not conflate the two standards; instead, each standard has been considered independently, and we have applied the relevant factors to inform our negligible impact and small numbers determinations.

NMFS has defined "negligible impact" in 50 CFR 216.103 as ". . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." In making a negligible impact determination, NMFS considers a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the take occurs.

No injuries or mortalities are anticipated to occur as a result of PISCO's rocky intertidal monitoring, and none are proposed to be authorized. The behavioral harassments that could occur would be of limited duration, as researchers only conduct sampling one to two times per year at each site for a total of 4–6 hours per sampling event. Therefore, disturbance will be limited to a short duration, allowing pinnipeds to reoccupy the sites within a short amount of time.

Some of the pinniped species may use some of the sites during certain times of year to conduct pupping and/or breeding. However, some of these species prefer to use the offshore islands for these activities. At the sites where pups may be present, PISCO has proposed to implement certain mitigation measures, such as no intentional flushing if dependent pups are present, which will avoid mother/pup separation and trampling of pups.

Of the three marine mammal species anticipated to occur in the proposed activity areas, none are listed under the ESA. Table 1 in this document presents the abundance of each species or stock, the proposed take estimates, and the percentage of the affected populations or stocks that may be taken by harassment. Based on these estimates, PISCO would take less than 2.1% of each species or stock. Because these are maximum estimates, actual take numbers are likely to be lower, as some animals may select other haulout sites the day the researchers are present.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed mitigation and monitoring measures, NMFS preliminarily finds that the rocky intertidal monitoring program will result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from the rocky intertidal monitoring program will have a negligible impact on the affected species or stocks.

TABLE 1—POPULATION ABUNDANCE ESTIMATES, TOTAL PROPOSED LEVEL B TAKE, AND PERCENTAGE OF POPULATION THAT MAY BE TAKEN FOR THE POTENTIALLY AFFECTED SPECIES DURING THE PROPOSED ROCKY INTERTIDAL MONITORING PROGRAM

Species	Abundance *	Total proposed level B take	Percentage of stock or population
Harbor Seal	[1] 30,196 [2] 16,165	337	1.1–2.1
California Sea Lion	296,750	60	0.02
Northern Elephant Seal	124,000	36	0.03

* Abundance estimates are taken from the 2012 U.S. Pacific Marine Mammal Stock Assessments (Carretta *et al.*, 2013).
[1] California stock abundance estimate.
[2] Oregon/Washington stock abundance estimate.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

None of the marine mammals for which incidental take is proposed are listed as threatened or endangered under the ESA. NMFS' Permits and Conservation Division worked with the NMFS Southwest Regional Office to ensure that Steller sea lions would be avoided and incidental take would not occur. Therefore, NMFS has determined that issuance of the proposed IHA to PISCO under section 101(a)(5)(D) of the MMPA will have no effect on species listed as threatened or endangered under the ESA.

National Environmental Policy Act (NEPA)

In 2012, we prepared an EA analyzing the potential effects to the human environment from conducting rocky intertidal surveys along the California and Oregon coasts and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for PISCO's rocky intertidal surveys in accordance with section 6.01 of the NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). PISCO's proposed activities and impacts for 2013–2014 are within the scope of our 2012 EA and FONSI. We have reviewed the 2012 EA and determined that there are no new direct, indirect, or cumulative impacts to the human and natural environment associated with the IHA requiring evaluation in a supplemental EA and we, therefore, intend to reaffirm the 2012 FONSI.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to PISCO's rocky intertidal monitoring research activities, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: October 25, 2013.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–30471 Filed 12–20–13; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request: Part 41, Relating to Security Futures Products

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the extension of a proposed collection of certain information by the agency. In compliance with the Paperwork Reduction Act of 1995 (PRA), (44 U.S.C. 3501 *et seq.*), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments, as described below, on the proposed Information Collection Request (ICR) titled: Part 41, Relating to Security Futures Products; OMB Control Number 3038–0059.

DATES: Comments must be submitted on or before February 21, 2014.

ADDRESSES: Comments may be mailed to David Steinberg, Associate Director, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581. Comments may also be submitted, regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, by any of the following methods:

Agency Web site, via its Comments Online process: *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.

Mail: Send to Melissa D. Jurgens, Secretary of the Commission,

Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

Hand delivery/Courier: Same as Mail above.

Federal eRulemaking Portal: http://www.regulations.gov/search/index.jsp. Follow the instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: David Steinberg (202) 418–5102; FAX: (202) 418–5527; email: *dsteinberg@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities potentially affected by this action are businesses and other for-profit institutions.

Title: Part 41, Relating to Security Futures Products (OMB Control No. 3038–0059). This is a request for extension of a currently approved information collection.

Abstract: Section 4d(c) of the Commodity Exchange Act (CEA), 7 U.S.C. 6d(c), requires the CFTC to consult with the SEC and issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to firms that are fully registered with the SEC as brokers or dealers (broker-dealers) and the CFTC as futures commission merchants (FCMs) involving provisions of the CEA that pertain to the treatment of customer funds. The CFTC, jointly with the SEC, issued regulations requiring such dually-registered firms to make choices as to how its customers' transactions in security futures products (SFP) will be treated, either as securities transactions held in a securities account or as futures transactions held in a futures account. How an account is treated is important in the unlikely event of the insolvency of the firm. Securities accounts receive insurance protection under provisions of the Securities Investor Protection Act. By contrast, futures accounts are subject to the protections provided by the segregation requirements of the CEA.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

The Commission would like to solicit comments to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, usefulness, and clarity of the information to be collected; and
- Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

Burden Statement: The respondent burden for this collection is estimated to average .721 hours per response. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 144.

Estimated number of responses: 2,975.

Estimated total annual burden on respondents: 2,146 hours.

Frequency of collection: On occasion.

The regulations require no new start-up or operations and maintenance costs.

Dated: December 17, 2013.

Melissa D. Jurgens,

Secretary of the Commission.

[FR Doc. 2013–30419 Filed 12–20–13; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of the Draft Environmental Impact Statement for the Disposal and Reuse of Naval Air Station Joint Reserve Base Willow Grove, Horsham, Pennsylvania, and To Announce Public Meetings

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91–190, 42 United States Code [U.S.C.] 4321–4370f), as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations (CFR) Parts 1500–1508), the Department of the Navy (DoN) has prepared and filed the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental consequences associated with the disposal of Naval Air Station Joint Reserve Base (NAS JRB) Willow Grove, Horsham, Pennsylvania, and its subsequent reuse by the local redevelopment authority. On September 15, 2011, the installation officially closed, as required by Public Law 101–510, the Defense Base Closure and Realignment Act of 1990, as amended in 2005. Public meetings will be held in an open house format to provide information and receive oral and written comments on the Draft EIS. Federal, state, and local agencies and interested individuals are invited to be present or represented at the meetings.

DATES AND ADDRESSES: The DoN is initiating a public comment period to provide the community an opportunity to comment on the Draft EIS. Federal, state, and local elected officials and agencies and the public are encouraged to provide written or oral comments at two scheduled open house public meetings to be held at the Horsham Township Community Center, located at 1025 Horsham Road in Horsham Township, Pennsylvania. The public meetings are scheduled as follows:

Monday, January 13, 2014 (5:00 p.m. to 8:00 p.m.)

Tuesday, January 14, 2014 (11:00 a.m. to 2:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Director, BRAC Program Management Office East, 4911 South Broad Street, Building 679, Philadelphia, PA 19112–1303, telephone: 215–897–4900, fax: 215–897–4902, email: *gregory.preston@navy.mil.*

SUPPLEMENTARY INFORMATION: The DoN has prepared the Draft EIS for the Disposal and Reuse of NAS JRB Willow Grove, Horsham, Pennsylvania, in accordance with the requirements of NEPA (42 U.S.C. 4321–4345) and its implementing regulations (40 CFR Parts 1500–1508). A Notice of Intent (NOI) for this Draft EIS was published in the **Federal Register** on November 23, 2012 (**Federal Register**, Vol. 77, No. 226/Friday, November 23, 2012/Notices). The DoN is the lead agency for the proposed action. The purpose of the proposed action is the disposal of NAS JRB Willow Grove from federal ownership and its subsequent reuse in a manner consistent with the NAS JRB Willow Grove Redevelopment Plan as developed by the Horsham Township Authority in March 2012. NAS JRB Willow Grove was officially closed on September 15, 2011, as required by Public Law 101–510, the Defense Base Closure and Realignment Act of 1990, as amended in 2005 (the BRAC Law). The BRAC Law exempts the decision-making process of the BRAC Commission from the provisions of NEPA. The Law also relieves the Department of Defense (DoD) from the NEPA requirements to consider the need for closing, realigning, or transferring functions and from looking at alternative installations to close or realign. However, in accordance with NEPA, before disposing of any real property, the DoN must analyze the environmental effects of the disposal of the property. This Draft EIS has identified and considered three redevelopment alternatives for the disposal and reuse of NAS JRB Willow Grove. The No Action Alternative was also considered, as required by NEPA and to provide a point of comparison for assessing impacts of the redevelopment alternatives.

Alternative 1 includes the disposal of the former NAS JRB Willow Grove by the DoN and its reuse in a manner consistent with the NAS JRB Willow Grove Redevelopment Plan. This alternative has been identified as the Preferred Alternative by the DoN. Full build-out of the Redevelopment Plan would be implemented over a 20-year period. The plan calls for redevelopment of most of the former installation property and includes a mix of land use types and densities, as well as open space and natural areas. The airfield and most installation facilities would be demolished. The Redevelopment Plan incorporates mixed-use, pedestrian-oriented features (e.g., a town center, walkable neighborhoods, and bike lanes), open spaces, best management practices for stormwater management, and green and sustainable design principles. The redevelopment would make available approximately 2.3 million square feet of non-residential building space and a mix of 1,486 residential housing units.

Alternative 2 provides for the disposal of the former installation property by the DoN but has a higher density of residential development than under Alternative 1 and a similar level of mixed-use development. As with Alternative 1, the airfield and most installation facilities would be demolished. This alternative includes a mix of land use types, open space, and natural areas and incorporates smart-growth principles that include pedestrian-friendly transportation and compact development. Full build-out is proposed to be implemented over a 20-year period. This alternative calls for approximately 2.1 million square feet of non-residential building space and a mix of 1,999 residential housing units.

Alternative 3 would maintain the existing runway and a portion of the taxiways, parking aprons, and hangar space for airfield operations. After accounting for the area taken up by critical airfield/air operation elements (approximately 350 acres) and the areas that provide open space surrounding the airfield due to safety setbacks associated with the airfield (approximately 300 acres), the remaining land available for redevelopment would be approximately 210 acres. The layout of Alternative 3 incorporates the approximate sizes and locations of several elements from the Preferred Alternative (Alternative 1), such as the recreation center, aviation museum, and golf course. However, due to the land use constraints imposed by inclusion of the airfield, this option excludes a majority of residential development land uses within the former installation property, including a town center.

The No Action Alternative is also analyzed in the Draft EIS, as required by NEPA. Under this alternative, NAS JRB Willow Grove would be retained by the U.S. government in caretaker status. No reuse or redevelopment would occur at the facility.

The Draft EIS addresses potential environmental impacts under each alternative associated with: Land use, socioeconomics and environmental justice, community services, transportation, environmental management, air quality, noise, infrastructure and utilities, cultural resources, topography, geology, soils, water resources, vegetation, and wildlife. The analyses include direct and indirect impacts, and accounts for cumulative impacts from other foreseeable federal, state, or local activities at and around the former NAS JRB Willow Grove property. The DoN conducted the scoping process to identify community concerns and local issues that should be addressed in the EIS. The DoN considered the comments provided, which identified specific issues or topics of environmental concern, in determining the scope of the EIS. The Draft EIS has been distributed to various federal, state, and local agencies, as well as other interested individuals and organizations. In addition, copies of the Draft EIS have been distributed to the following libraries and publicly accessible facilities for public review: Horsham Township Library, 435 Babylon Road, Horsham, Pennsylvania, 19044–1224.

An electronic copy of the Draft EIS is available for public viewing at *http://www.willowgroveeis.com.* Federal, state, and local agencies, as well as other interested parties, are invited and encouraged to be present or represented at the public meetings.

Comments can be made in the following ways: (1) Written statements can be submitted to a DoN representative at the public meetings; (2) spoken comments can be provided to and recorded by a court reporter who will be present at the public meeting; (3) written comments can be mailed to 4911 South Broad Street, Building 679, Philadelphia, PA 19112–1303, Attn: Willow Grove EIS; (4) comments can be emailed to *gregory.preston@navy.mil;* or (5) comments can be faxed to 215–897–4902, Attn: Willow Grove EIS. Comments may be submitted without attending the public meetings. Equal weight will be given to oral and written statements. All comments postmarked or emailed no later than midnight February 10, 2014, will become part of the public record and will be responded to in the Final EIS.

Requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids for the scheduled public meetings must be sent by mail or email to Mr. Matthew Butwin, Ecology and Environment, Inc., 368 Pleasant View Drive, Lancaster, NY 14086, telephone: 716–684–8060, email: *mbutwin@ene.com* no later than January 6, 2014.

Dated: December 17, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy. Federal Register Liaison Officer.

[FR Doc. 2013–30505 Filed 12–20–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0157]

Agency Information Collection Activities; Comment Request; The Impact of Professional Development in Fractions for Fourth Grade

AGENCY: Institute of Education Sciences/ National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before February 21, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0157 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kathy Axt, 540–776–7742 or electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here. We will only accept comments in this mailbox when the *regulations.gov* site is not available to the public for any reason.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The Impact of Professional Development in Fractions for Fourth Grade.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 3,024.

Total Estimated Number of Annual Burden Hours: 1,512.

Abstract: OMB clearance is requested for a randomized control trial study of the impact of professional development in fractions for fourth grade teachers on student achievement and teacher knowledge in 84 elementary schools from Georgia and South Carolina for one academic year. Schools below the state median on the respective state assessment will be recruited. Random assignment will be conducted at the school-level. Teachers in the treatment schools will participate in 8 three-hour training sessions during the Fall semester with additional homework lessons. Teachers in control schools will receive business-as-usual professional development. Teachers will participate in the following data collection activities: consent and demographic form, teacher knowledge measure of fractions (pre- and post-test), and 9 monthly professional development surveys. Grade 4 students will be assessed with a fractions measure. REL Southeast will conduct the study. This OMB clearance request is to collect data from approximately 252 teachers.

Dated: December 17, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–30420 Filed 12–20–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces an open meeting of the Secretary of Energy Advisory Board (SEAB) FracFocus Task Force. SEAB was reestablished pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.

DATES: Monday, January 6, 2014, 9:45 a.m.–3:00 p.m.

ADDRESSES: Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Amy Bodette, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone (202) 586–0383 or facsimile (202) 586–1441; *seab@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Department's basic and applied research, economic and national security policy, educational issues, operational issues and other activities as directed by the Secretary. The FracFocus Task Force is charged with reviewing how FracFocus 2.0 houses the information Federal and State regulatory agencies require as part of their regulatory functions with regard to disclosure of the composition and quantities of fracturing fluids injected into unconventional oil and gas wells.

Purpose of the Meeting: The meeting will be an opportunity to hear updates on the work of FracFocus 2.0.

Tentative Agenda: The meeting will start at 9:45 a.m. on January 6, 2014 and will conclude at 3:00 p.m. The tentative agenda is as follows:

9:45 a.m.–10:00 p.m. Task Force Chair John Deutch Opens Meeting
10:00 a.m.–10:45 p.m. DOE presentation on FracFocus 2.0
10:45 a.m.–11:45 p.m. FracFocus Presentation
11:45 a.m.–12:00 p.m. Break

12:00 p.m.–1:00 p.m. Stakeholder Panel
1:00 p.m.–2:00 p.m. State Regulators Panel
2:00 p.m.–2:15 p.m. Break
2:15 p.m.–3:00 p.m. Public Comment Period
3:00 p.m. Meeting Adjourns

Public Participation: The meeting is open to the public. Individuals who would like to attend must RSVP to Amy Bodette no later than 5:00 p.m. on Thursday, January 2, 2014 at *seab@hq.doe.gov*. Please provide your name, organization, citizenship and contact information. Anyone attending the meeting will be required to present government-issued identification. Individuals and representatives of organizations who would like to offer comments and suggestions may do so at the end of the meeting on Monday, January 6, 2014. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 9:30 a.m. on January 6, 2014.

Those not able to attend the meeting or have insufficient time to address the committee are invited to send a written statement to Amy Bodette, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; or by email to: *seab@hq.doe.gov*.

Minutes: The minutes of the meeting will be available by contacting Ms. Bodette. She may be reached at the postal address or email address above.

Issued in Washington, DC, on December 17, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–30495 Filed 12–20–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee (EAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, January 24, 2013 (2:00 p.m.–3:05 p.m. (EDT)

ADDRESSES: The EAC committee members will take part in this meeting by telephone conference call. The public may participate in the meeting via telephone conference call using the following participation information:

Attendee Link: *https://iser.webex.com/iser/onstage/g.php?d=667952835&t=a*

Event password: energy

Call-in Number: Call-in toll number (US/Canada): 1–650–479–3208

Access code: 667 952 835

The conference call information, as well as the report to be reviewed at the meeting for committee approval will be published on the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac*.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2012, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include discussion of a report created by the Energy Storage subcommittee. During the meeting, the full EAC membership will vote on whether to approve the recommendations in the report.

Tentative Agenda: Friday, January 24, 2014

2:00 p.m.–2:05 p.m. Welcome
2:05 p.m.–2:20 p.m. Presentation of Report
2:20 p.m.–2:50 p.m. Discussion of Report
2:50 p.m.–2:55 p.m. Public Comments
2:55 p.m.–3:00 p.m. Voting on Report
3:00 p.m.–3:05 p.m. Wrap up and Adjourn

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac*.

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so before voting takes place at the Friday, January 24, 2014 meeting. Approximately 5 minutes will be reserved for public comments. Time allotted per speaker will depend on the number of public participants who wish to speak. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by *"Electricity Advisory Committee Open Meeting"*, by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov*. Include "Electricity Advisory Committee Open Meeting" in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac*, including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac*.

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or

nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on December 17, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–30492 Filed 12–20–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board (STEAB)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, January 16, 2014 from 3:30 p.m. to 4:00 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Julie Hughes, STEAB Designated Federal Officer, Policy Advisor, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–320–9703, and email *Julie.Hughes@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. No. 101–440).

Tentative Agenda: Review the responses and feedback from EERE on a 2014 engagement plan between STEAB and EERE, review the five main focus areas for 2014 and report on progress made in those areas, provide an update to the Board on routine business matters, and begin planning and discussing the agenda and logistics for the upcoming March 2014 meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Julie Hughes at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on December 17, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–30493 Filed 12–20–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–25–000]

Natural Gas Pipeline Company of America LLC; Stingray Pipeline Company, L.L.C.; Notice of Application

Take notice that on December 4, 2013, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515–7918 and Stingray Pipeline Company, L.L.C. (Stingray), 110 Louisiana Street, Suite 3300, Houston, Texas 77002, filed a joint application in Docket No. CP14–25–000 pursuant to section 7(b) and section7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity requesting: (1) Approval for Natural to abandon by sale to Stingray the offshore, West Cameron 148 Lateral, the West Cameron 148 Platform, related appurtenances, and the onshore Compressor Station 701 land; (2) approval for Natural to abandon by sale to Stingray the offshore, West Cameron 144 Lateral, the West Cameron 144 Meter and related appurtenances; (3) to abandon Natural's Rate Schedule X–50, the long term lease for the aforementioned facilities and land; and (4) a certificate of public convenience and necessity for Stingray to acquire from Natural, and to own and operate the above listed facilities and land, all as more fully set forth in the application which is on file with the Commission and open for public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the applications should be directed Bruce H. Newsome, Vice President, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515–7918, telephone: 630–725–3070, or email: *bruce_newsome@kindermorgan.com* or to Cynthia Roney, Manager, Regulatory Compliance, Stingray Pipeline Company, L.L.C., 1100 Louisiana, Suite 3300, Houston, Texas 77002, telephone: 832–214–9334, or email *Cynthia.roney@enbridge.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of

this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

Comment Date: 5:00 p.m. Eastern Time on January 7, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30516 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–27–000]

Tres Palacios Gas Storage LLC; Notice of Application

Take notice that on December 6, 2013, Tres Palacios Gas Storage LLC (Tres Palacios) 700 Louisiana Street, Suite 2060, Houston, Texas 77002, filed in the above reference docket application pursuant to section 7(b) of the of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization for Tres Palacios to abandon up to 22.9 Bcf of working gas storage capacity in its salt cavern natural gas storage facility located in Matagorda, Colorado, and Wharton Counties, Texas. Tres Palacios states that the proposed abandonment of storage capacity is intended to respond to the current depressed market for Gulf Coast region storage services, will better align Tres Palacios' storage capacity with its current contractual commitments, and will significantly reduce Tres Palacios' operating costs. Tres Palacios' proposal is more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to James F. Bowe, Jr., King & Spalding, LLP, 1700 Pennsylvania Avenue NW., Washington, DC 20006–4707, by phone at 202–626–9601, fax at 202–626–3737, or email at *jbowe@kslaw.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit an original plus five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project

provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: January 7, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30517 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–276–000.
Applicants: Equitrans, L.P.
Description: Non-conforming & Negotiated Rate Service Agreements—PNG & EGC to be effective 12/31/9998.
Filed Date: 12/12/13.
Accession Number: 20131212–5060.
Comments Due: 5 p.m. ET 12/24/13.

Docket Numbers: RP14–276–000.
Applicants: Equitrans, L.P.
Description: Withdrawal Non-conforming & Negotiated Rate Service Agreements—PNG & EGC to be effective N/A.
Filed Date: 12/12/13.
Accession Number: 20131212–5077.
Comments Due: 5 p.m. ET 12/24/13.

Docket Numbers: RP14–277–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Park and Loan Service Filing to be effective 1/11/2014.
Filed Date: 12/12/13.
Accession Number: 20131212–5082.
Comments Due: 5 p.m. ET 12/24/13.

Docket Numbers: RP14–278–000.
Applicants: Alliance Pipeline L.P.
Description: Hess Tioga to Hess Trading Corp to be effective 1/1/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5088.
Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: RP14–279–000.
Applicants: Equitrans, L.P.
Description: Non-conforming and Negotiated Rate Transportation & Storage Agreements to be effective 12/31/9998.
Filed Date: 12/13/13.
Accession Number: 20131213–5101.
Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: RP14–280–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/13/13 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 12/12/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5175.
Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: RP14–281–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/13/13 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 12/12/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5194.
Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: RP14–282–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/13/13 Negotiated Rates—Tenaska Gas Storage, LLC (HUB) 1175–89 to be effective 12/12/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5198.
Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: RP14–283–000.
Applicants: Northern Border Pipeline Company.
Description: Neg Rate—Dakota Gasification Company to be effective 1/1/2014.
Filed Date: 12/16/13.
Accession Number: 20131216–5043.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–284–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (Encana 37663 to BP 41624) to be effective 1/1/2014.
Filed Date: 12/16/13.
Accession Number: 20131216–5053.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–286–000.
Applicants: Young Gas Storage Company, Ltd.
Description: ATC Rate Adjustment—2013 to be effective 12/1/2013.
Filed Date: 12/16/13.
Accession Number: 20131216–5128.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–287–000.
Applicants: Columbia Gas Transmission, LLC.
Description: OTRA Extension to be effective 4/1/2014.
Filed Date: 12/16/13.
Accession Number: 20131216–5146.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–288–000.
Applicants: ANR Pipeline Company.
Description: Update Part 1 to be effective 12/2/2013.
Filed Date: 12/16/13.
Accession Number: 20131216–5162.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–289–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: ATC Rate Adjustment—2013 to be effective 12/1/2013.
Filed Date: 12/16/13.
Accession Number: 20131216–5177.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–290–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/16/13 Negotiated Rates—JP Morgan Ventures (RTS) 6025–26 to be effective 12/15/2013.
Filed Date: 12/16/13.
Accession Number: 20131216–5278.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: RP14–291–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/16/13 Negotiated Rates—Trafigura AG (HUB) 7445–89 to be effective 12/13/2013

Filed Date: 12/16/13.
Accession Number: 20131216–5279.
Comments Due: 5 p.m. ET 12/30/13.
Docket Numbers: RP14–292–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 12/16/13 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 12/14/2013.
Filed Date: 12/16/13.
Accession Number: 20131216–5280.
Comments Due: 5 p.m. ET 12/30/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP13–1322–001.
Applicants: Kinetica Energy Express, LLC.
Description: Kinetica Energy Express LLC—Grand Isle—Compliance Filing RP13–1322 to be effective 12/13/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5212.
Comments Due: 5 p.m. ET 12/26/13.
Docket Numbers: RP14–228–001.
Applicants: Elba Express Company, L.L.C.
Description: Clean-Up Amendment Filing to be effective 1/1/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5102.
Comments Due: 5 p.m. ET 12/26/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30476 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–14–000]

California Wind Energy Association, First Solar, Inc. v. California Independent System Operator Corporation, Southern California Edison Company; Notice of Complaint

Take notice that on December 17, 2013, pursuant to sections 205 and 206 of the Federal Power Act (FPA); 16 U.S.C. 824d and 824e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2013), California Wind Energy Association and First Solar, Inc. (collectively, Complainants) filed a formal complaint against the California Independent System Operator Corporation (CAISO) and Southern California Edison Company (collectively, Respondents), alleging that a pending transfer of certain transmission assets will have unjust and unreasonable rate consequences for generators affected by the transfer. Complainants request that the Commission direct CAISO to retain control over the affected Antelope Valley 66 kV transmission assets, as more fully described in this complaint.

The Complainants certify that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 6, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30518 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–3–000]

City of Pasadena, California; Notice of Filing

Take notice that on December 11, 2013, City of Pasadena, California submitted its tariff filing per 35.28(e): 2014 Transmission Revenue Balancing Account Adjustment Update to be effective 1/1/2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the

"eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 2, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30514 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–2–000]

City of Riverside, California; Notice of Filing

Take notice that on December 11, 2013, City of Riverside, California submitted its tariff filing per 35.28(e): 2014 Transmission Revenue Balancing Account Adjustment/Existing Transmission Contracts Update to be effective 1/1/2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 2, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30513 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–11–000]

Crosstex NGL Pipeline, L.P.; Notice of Petiton for Declaratory Order

Take notice that on December 13, 2013, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2013), Crosstex NGL Pipeline, L.P. filed a petition requesting a declaratory order approving the overall tariff and rate structure for a new interstate natural gas liquids pipeline system from the Mont Belvieu, TX vicinity to fractionation facilities in Acadia, Ascension, and Iberville Parishes, LA, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on January 13, 2014.

Dated: December 17, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30515 Filed 12–20–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–33–OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice; meeting.

SUMMARY: The Environmental Protection Agency (EPA) announces upcoming public meetings of the Clean Air Act Advisory Committee (CAAAC). The EPA established the CAAAC on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific and enforcement policy issues.

DATES AND ADDRESSES: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the CAAAC will hold its next face-to-face meeting on April 3, 2014, from 8:30 a.m. to 4:00 p.m. at the EPA Conference Facility at Potomac Yard, One Potomac Yard, Potomac Yard South, 2777 S. Crystal Dr., Arlington, VA 22202. Non-EPA attendees will need to present photo identification for entrance into the building. Seating will be available on a first come, first served

basis. The Permits, New Source Review and Toxics Subcommittee will meet at the same location on April 2, 2014, from 1:30 p.m. to 4:30 p.m.

Inspection of Committee Documents: The Committee agenda and any documents prepared for these meetings will be publicly available on the CAAAC Web site at *http://www.epa.gov/oar/caaac/* prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will also be available on the CAAAC Web site or by contacting the Office of Air and Radiation Docket and requesting information under docket EPA–HQ–OAR–2004–0075. The Docket office can be reached by email at: *a-and-r-Docket@epa.gov* or FAX: 202–566–9744.

FOR FURTHER INFORMATION CONTACT: For more information about the CAAAC, please contact Jeneva Craig, Designated Federal Officer (DFO), Office of Air and Radiation, U.S. EPA by telephone at (202) 564–1674 or by email at *craig.jeneva@epa.gov*. For information on the Permits, New Source Review and Toxics subcommittee, please contact Alan Rush at (202) 564–1658 or at *rush.alan@epa.gov*. Additional Information on these meetings, CAAAC, and its Subcommittees can be found on the CAAAC Web site: *http://www.epa.gov/oar/caaac/*.

For information on access or services for individuals with disabilities, please contact Jeneva Craig at (202) 564–1674 or *craig.jeneva@epa.gov*, preferably at least 10 days prior to the meetings to give EPA as much time as possible to process your request.

Dated December 11, 2013.

Jeneva Craig,

Designated Federal Officer, Clean Air Act Advisory Committee, Office of Air and Radiation.

[FR Doc. 2013–30573 Filed 12–20–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–59–OA]

National Environmental Education Advisory Council Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, EPA gives notice of a meeting of the National Environmental Education Advisory Council (NEEAC). The NEEAC was created by Congress to advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency (EPA) on matters related to activities, functions and policies of EPA under the National Environmental Education Act (Act).

The purpose of these meeting(s) is to discuss specific topics of relevance for consideration by the council in order to provide advice and insights to the Agency on environmental education.

DATES: The National Environmental Education Advisory Council will hold public meetings on Tuesday, January 7, 2014, Wednesday, January 8th, 2014, and Thursday, January 9th, 2014 from 9:00 a.m. until 5:00 p.m. Eastern Daylight Time. The meetings will be held at 1200 Pennsylvania Avenue NW., Washington, DC 20460 in the William Jefferson Clinton North, Room 3530.

FOR FURTHER INFORMATION CONTACT: Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov*, 202–564–2642, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North, Room 1426, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Members of the public wishing to gain access to the meeting, make brief oral comments, or provide a written statement to the NEEAC must contact Javier Araujo, Designated Federal Officer, at *araujo.javier@epa.gov* or 202–564–2642 by 10 business days prior to each regularly scheduled meeting.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations please contact Javier Araujo at *araujo.javier@epa.gov* or 202–564–2642, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Javier Araujo,

Designated Federal Officer.

Christina Moody,

Acting Deputy Director, Office of Environmental Education.

[FR Doc. 2013–30524 Filed 12–20–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 13–2227]

GSA Approves Renewal of North American Numbering Council Charter Through September 20, 2015

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On November 20, 2013, the Commission released a public notice announcing GSA's approval of the renewal of the North American Numbering Council charter through September 20, 2015. The intended effect of this action is to make the public aware of the renewal of the North American Numbering Council charter.

DATES: Renewed through September 20, 2015.

ADDRESSES: Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, The Portals II, 445 12th Street SW., Suite 5–C162, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carmell Weathers, Special Assistant to the Designated Federal Officer (DFO) at (202) 418–2325 or *carmell.weathers@fcc.gov*. The fax number is: (202) 418–1413. The TTY number is: 1–888–835–5322.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has renewed the charter of the North American Numbering Council (NANC or Council) through September 20, 2015. The Council will continue to advise the Federal Communications Commission (Commission) on rapidly evolving and significant number administration issues facing the telecommunications industry.

In October 1995, the Commission established the NANC, a federal advisory committee created pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988), to advise the Commission on issues related to North American Numbering Plan (NANP) administration. The NANP is the telephone numbering plan for the United States and its territories, Canada, Bermuda, and 17 Caribbean nations. The Commission filed the original charter of the Council on October 5, 1995, and established an initial two-year term. The Wireline Competition Bureau has renewed this charter every two years since that date. Since the last charter renewal, the Council has made recommendations to the Commission on important number administration matters, such as technical requirements related to a new Local Number Portability Administrator contract. The NANC also submitted recommendations on ways to improve local number porting, such as standardizing customer information and revising carrier procedures. In addition, the Council provided detailed annual evaluations of the current North American Numbering Plan Administrator, the Pooling Administrator, and the Billing and Collection Agent. It will continue to evaluate the performances of these

entities annually. The Council is presently considering recommendations on other important number administration-related issues that will require work beyond the term of the present charter.

The value of this federal advisory committee to the telecommunications industry and to the American public cannot be overstated. Telephone numbers are the means by which consumers gain access to, and reap the benefits of, the public switched telephone network. The Council's recommendations to the Commission will ensure that telephone numbers are available to all telecommunications service providers on a fair and equitable basis, consistent with the requirements of the Telecommunications Act of 1996.

Federal Communications Commission.

Sanford S. Williams,

Attorney, Wireline Competition Bureau.

[FR Doc. 2013–30529 Filed 12–20–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT—78 FR 75568 (December 12, 2013).

DATE AND TIME: *Tuesday, December 17, 2013 at the conclusion of the open meeting and its continuation on Thursday, December 19, 2013 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC

STATUS: This meeting will be closed to the public.

CHANGES IN THE MEETING: The December 19, 2013 meeting has been cancelled.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2013–30606 Filed 12–19–13; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Public Availability of Federal Election Commission, Procurement Division FY2013 Service Contract Inventory

AGENCY: Federal Election Commission.

ACTION: Notice of Public Availability of FY2013 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), FEC PROCUREMENT DIVISION is publishing this notice to advise the public of the availability of the FY2013 Service Contract inventory.

This inventory provides information on service contract actions over $25,000 that was made in FY2013. The information is organized by function to show how contracted resources are distributed throughout the agency.

The inventory has been developed in accordance with guidance issued on December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.*

The FEC Procurement Division has posted its inventory and a summary of the inventory on the FEC homepage at the following link: *http://www.fec.gov/pages/procure/procure.shtml.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to: Judy Berning, Acting Chief Financial Officer, at 202–694–1217 or *JBERNING@FEC.GOV.*

Shawn Woodhead Werth,

Secretary and Clerk, Federal Election Commission.

[FR Doc. 2013–30436 Filed 12–20–13; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2013–N–18]

Fannie Mae and Freddie Mac Loan Purchase Limits: Request for Public Input on Implementation Issues

AGENCY: Federal Housing Finance Agency.

ACTION: Notice; input accepted.

The Federal Housing Finance Agency (FHFA) is requesting public input on implementation issues associated with a contemplated reduction in loan purchase limits by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (together, the Enterprises). Each Enterprise must set its loan purchase limits at or below the maximum limits, which are determined by statutory formulas. The maximum limits for 2014 were published by FHFA on November 26, 2013. A decrease in the Enterprises' loan limits below the statutory maximums is one means of reducing the Enterprises' financial market footprint pursuant to FHFA's Strategic Plan for Enterprise Conservatorships. Other means of reducing the Enterprises' footprint relate to their single-family mortgage guarantee business and include increasing guarantee fees and engaging in risk-sharing transactions.

The basic premise of these measures is as follows: with an uncertain future and a desire for private capital to re-enter the market, the Enterprises' market presence should be reduced gradually over time. In addition, at the end of 2012, the amount of taxpayer capital available to support the Enterprises' outstanding debt and mortgage-backed securities obligations became fixed. Limiting their risk exposure is vital to maintaining the adequacy of the remaining capital support through the financial support agreements between the Enterprises and the U.S. Department of the Treasury. Finally, a taxpayer-backed conservatorship provides a significant subsidy to the mortgage market that limits private capital participation and underprices risk in the market.

The contemplated action described below is a plan and not a final decision. The requested public input will be carefully reviewed before FHFA decides whether and how to proceed with the planned reductions in Freddie Mac's and Fannie Mae's loan purchase limits. In short, no final decision on loan purchase limits will be made until all input is reviewed. The changes contemplated in this Request for Public Input will not affect loans originated before October 1, 2014.

The remainder of this Request for Public Input sets forth: FHFA's legal authority for directing the Enterprises to set loan purchase limits below the maximum loan limits; the planned approach to reduce the Enterprises' loan limits; and a request for public input regarding implementation of the plan. An appendix to this Request for Public Input includes analysis describing the potential impact of the plan.

Background

FHFA's Legal Authority for Setting the Enterprises' Loan Purchase Limits

In their chartering acts, the Enterprises are authorized to purchase mortgages up to specified limits, as adjusted annually; 12 U.S.C. 1717(b) and 12 U.S.C. 1454(a). The statutes provide that each Enterprise ". . . shall establish limitations governing the maximum original principal obligation of conventional mortgages that are purchased by it. . . . Such limitations shall not exceed [the loan limits] . . ."

The Housing and Economic Recovery Act of 2008 (HERA) establishes the maximum loan limits that Fannie Mae and Freddie Mac are permitted to set for mortgage acquisitions. HERA also requires an annual adjustment to these maximums to reflect changes in the national average home price. The maximum general limits are adjusted by a calculation of year-over-year changes to the existing level of home prices. In recent years, FHFA has not selected a specific index, but has noted that all reasonable indexes have declined. On November 26, 2013, FHFA announced maximum loan limits for 2014 and provided a description of the methodology used in determining these limits. The Enterprises, under their charters, then determine whether to set the next year's loan purchase limits at or below the new maximums.

When the Enterprises are in conservatorship, FHFA, as conservator, may take such action as may be: "(i) necessary to put the regulated entity in a sound and solvent condition; and (ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity." 12 U.S.C. 4617(b)(2)(D).

In addition, FHFA may "perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver"; 12 U.S.C. 4617(b)(2)(B)(iii). FHFA's conservator obligation to preserve and conserve the assets includes policies to reduce the Enterprises' presence in the mortgage market and the risks in their business activities. Exercising, as conservator, a business judgment on a core business function of the Enterprises—setting levels of loan amounts below the maximums eligible for purchase by the Enterprises—is consistent with FHFA legal authorities. Therefore, the conservator's legal authority and responsibility to "carry on the business" of the Enterprises supports a decision to direct the setting of new and lower loan purchase limits by the Enterprises.

A Plan for Setting Loan Purchase Limits Lower Than Statutory Maximum Limits

As FHFA announced on November 26, 2013, the maximum loan limits in 2014 for one-unit properties range from $417,000 (the baseline limit) in most locations to $625,500 (the ceiling limit) in certain high-cost areas in the contiguous United States. In accordance with HERA, FHFA will continue to calculate and announce the future annual adjustments to the maximum loan limits in late November of each year.

As described above, the maximum loan limits represent upper bounds to the sizes of loans that the Enterprises can purchase. Through its authority as conservator, FHFA may direct each Enterprise to set new loan purchase limits below the statutory maximum limits and below current limits by the same percentage in every county and county-equivalent area [1] in the country. FHFA has developed a plan to gradually reduce loan purchase limits by reducing the baseline loan limit from $417,000 to $400,000, a 4.077 percent decline. The planned ceiling limit in high-cost areas would be lowered by the same percentage from $625,500 to $600,000.[2] In areas where current purchase limits lie between the baseline and ceiling limits, the planned loan purchase limit would be decreased by the same percentage as the baseline and ceiling purchase limits (i.e., 4.077 percent). The new, lower, purchase limits would only affect loans originated after October 1, 2014. Loans eligible for purchase before the reductions will remain eligible in the future, regardless of whether they exceed the new loan purchase limits.

As FHFA has noted previously, ample notice will be provided to the market before any change in loan purchase limits would be implemented. To meet that goal and provide an opportunity to receive input in response to this Request for Public Input, the approach described above will not, in any event, affect loans originated before October 1, 2014.

Request for Public Input: Implementation Questions

FHFA requests input from the public and interested parties on the following questions associated with implementing the reduction of the Enterprises' loan purchase limits just described:

1. FHFA has promised to provide at least six months advance notice of any reduction of the loan purchase limit. If FHFA makes a determination and announcement by, for example, March 20, would October 1 be a reasonable effective date, or would operational issues suggest that an alternate or later date in 2014 would be preferable?

2. Assuming the Enterprises' loan limit reduction takes effect for purchases of loans originated on or after October 1, 2014, should that reduction be in effect for 12 months or 15 months? In other words, for future announcements on any future change in the loan purchase limits, is a January 1 origination date preferred, or should those announcements be tied to the initial loan purchase limit reduction date?

3. Is it preferable for the Enterprises to announce a multi-year schedule of proposed decreases? If so, should it be a specific percent per year, perhaps five percent, or a specific dollar reduction, perhaps $20,000 each year?

4. Currently, there are several geographic areas with limits between the current baseline loan limit of $417,000 and the ceiling high-cost area limit of $625,500. The maximum limits in these areas are tied to the median house price in those areas. Should FHFA tie future reductions in loan purchase limits in those areas to changes in median house prices in any way, or should reductions in those areas simply be proportional to reductions in the baseline limit?

5. Currently, all loan limits are rounded to the nearest $50. Is this appropriate, or should the loan purchase limits be set at even multiples of either $1,000 or some other dollar amount for greater simplicity?

FHFA will accept public input through its Office of Policy Analysis and Research (OPAR), no later than March 20, 2014. Communications may be addressed to Federal Housing Finance Agency, (OPAR), Constitution Center, 400 Seventh Street SW., Ninth Floor, Washington, DC 20024, or emailed to: *loanpurchaselimitinput@fhfa.gov.* Communications to FHFA may be made public and posted without change on the FHFA Web site at *http://www.fhfa.gov,* and would include any personal information provided, such as name, address (mailing and email), and telephone numbers.

Dated: December 17, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

Appendix: Impact Analysis of Reductions in the Enterprises' Loan Purchase Limits

This Appendix provides historical background on loan purchase limits, as well as detail on how they have been calculated. Broadly speaking, this background reveals that the current loan purchase limits (which are set at the maximum loan limits) are historically high and that certain implementation decisions have been made that, in some locations, made those limits higher than they otherwise would have been.

Further, this Appendix provides statistics showing the potential market impact of reducing loan purchase limits by the magnitude described in the Request for Public Input. The focus of the analysis is on evaluating the number and types of borrowers that might have been affected had lower loan purchase limits been in place in

[1] "County-equivalent" areas include, for example, parishes in Louisiana.

[2] In Alaska, Hawaii, Guam, and the U.S. Virgin Islands, the baseline and ceiling limits would be reduced to $600,000 and $900,000 respectively.

2012. The evaluation of 2012 data provides a reasonable indication of likely effects of loan purchase limit reductions in 2014. It is not possible to know with certainty how a different loan purchase limit regime will affect the market environment and specific borrowers, but the analysis suggests a small decline in loan purchase limits will have a modest impact.

Background: Baseline Loan Purchase Limit

Figure 1 plots the time trend in the historical loan purchase limit for one-unit properties in the contiguous United States since 1992.[1] The graph also shows changes in the ceiling loan limit that has capped limits in certain high-cost areas since 2008. Between 2008 and late 2011, that ceiling was $729,750 for the contiguous U.S. In October 2011, the ceiling was decreased to $625,500.

Figure 1 reveals that the baseline loan limit of $417,000 is at its historical peak. To provide context for the relative size of the loan limit increases shown in Figure 1, Figure 2 plots the growth in baseline loan limits against the growth in several other economic metrics, including median household incomes, consumer prices, and median U.S. home values. The respective values for each of these variables are normalized in the graph so that the value in 1992 for each variable is set equal to 100.

The graph clearly shows the elevated nature of current limits. At $417,000, the 2013 baseline loan limit, for instance, was 206 percent of its level in 1992. The "ceiling" loan limit—the highest loan purchase limit in high-cost areas—was 309 percent of the 1992 limit. By contrast, 2013 data for median home values, inflation, and median household income indicate that those metrics this year have been between 163 percent and 180 percent of their 1992 levels.

Background: Calculation of Loan Purchase Limits in High-Cost Areas

While Figures 1 and 2 provide some indication of the elevated nature of loan limits, they only address the baseline and ceiling loan limits. They do not evaluate the actual calculations that have determined maximum loan limits in high-cost areas. It can be shown that specific implementation decisions have made maximum loan limits higher than they otherwise would be in many high-cost areas. In conservatorship, the Enterprises have set their loan purchase limits equal to the statutory maximum loan limits.

Since 2008, maximum loan limits in high-cost areas have been statutorily set as a function of median local home values. Under HERA, the maximum loan limit in high-cost areas is 115 percent of the local median home value. The resulting limit is bounded between $417,000 and $625,500.

Because maximum loan limits are determined by median home values, the precise method used for estimating median home values can have a significant impact on the actual maximum loan limit. Since 2008, for determining maximum loan limits, FHFA has used median home values produced by the U.S. Department of Housing and Urban Development (HUD).[2] FHFA has used the HUD-generated median home values because they have full geographic coverage. That is, median home value statistics are included for all counties across the country—something no other single source provides. Also, the introduction of a set of median home values different from those produced by HUD might generate confusion among market participants.[3]

Although HUD's methodology for calculating median values is positive in many respects, for many counties, one of the steps in the process makes Enterprise maximum loan limits, which are based on those median values, quite high relative to what the specific county-level data would suggest.

By law, when determining median home values for counties in Metropolitan and Micropolitan Statistical Areas, HUD's calculation must implement a "high-cost county rule" (HCCR). Under the HCCR, median home values for counties in Metropolitan and Micropolitan areas *must reflect the median values in the highest-cost component county*. To illustrate—for a Metropolitan Statistical Area (MSA) comprised of 10 counties, HUD begins by separately estimating median home values in each of the 10 counties. Then, after finding the highest of those 10 values, HUD assigns that highest value to all 10 counties in the MSA.

The HCCR tends to lead to an overstatement of local median home values. Washington, DC provides a good example. The two dozen county and county-equivalent areas that comprise the Washington, DC metropolitan area are diverse in terms of their median home values. Over the last several years, median home values in the most expensive counties have been around $600,000, whereas homes values in lower-priced areas were in the $200,000–$300,000 range. If pooled, transactions from the metropolitan area's counties would have generated a DC-wide median home value of roughly $300,000–$400,000. (The precise median home value would have varied over time and would depend on certain technical decisions). Had this median value been used for determination of the maximum loan limit, the area's loan limit likely would have been no higher than $460,000. Because the HCCR was applied, however, the median home value used for the entire metropolitan area was approximately $600,000, which is the median home price in the most expensive county. This means that the maximum Washington, DC loan limit was determined to be $625,500 for the last few years.

Seattle, which is comprised of three counties, including King County (the most expensive) is another example of where actual effects have been present. According to the National Association of Realtors, which does not apply a HCCR in computing median home values, the Seattle-area median was around $300,000 in 2012 and just under that in preceding years. With these median home values, the associated HERA maximum loan limit would have been $417,000. By contrast, because the HCCR only made use of transactions information for King County, where median home values were $400,000 and above, the loan limit for the entire metropolitan area was much higher at $506,000.

However, the overstatement in many places has had no impact on loan limits. In those metropolitan areas, the overstated median home value still was significantly below $362,600, which is the threshold value below which the maximum loan limit is merely set at the baseline level of $417,000.

Impact Analysis: Estimates

Given the elevated nature of existing loan purchase limits, analyzing the possible impact of a loan purchase limit decline is important. This impact analysis evaluates an across-the board decline—i.e., one that reduces loan purchase limits by the same 4.077 percentage in every county and county-equivalent area[4] in the country. Per the planned declines, the baseline loan limit is reduced from $417,000 to $400,000, while the ceiling limit is reduced from $625,500 to $600,000.[5] In areas where loan limits are bounded by the baseline and ceiling, the loan limit has been reduced by the same percentage.[6]

It is impossible to know with certainty the impact these reductions will have in 2014, but one analysis entails counting the number of acquired Enterprise mortgages with loan amounts above the lower loan purchase limits. Using a database of Enterprise loan acquisitions from 2012, Table 1 shows loan counts by state for the number of Enterprise-guaranteed mortgages with original loan amounts above the planned lower limits. Table 2 shows counts for 25 large Metropolitan Statistical Areas.

Table 1 reveals that, in 2012, roughly 170,000 Enterprise mortgages had original loan balances above the lower loan limits described in the Request for Public Input. This represented roughly 2.9 percent of total Enterprise mortgage acquisitions during 2012. About 50,000 purchase-money mortgages had balances above the lower limits.

Across states and MSAs, the share of mortgages with original balances near the applicable current loan purchase limit varied significantly. In Colorado—a state with a relatively large share of potentially impacted loans—roughly 6 percent of Enterprise mortgages (about 9,300 mortgages) had original balances above the reduced loan purchase limit. By contrast, only about one percent of mortgages in West Virginia and

[1] Unless otherwise stated, the loan limits discussed hereafter will be for one-unit properties in the contiguous United States. Loan limits in certain statutorily excepted areas—Alaska, Hawaii, Guam, and the U.S. Virgin Islands—are higher, but have trended in the same way as limits for the rest of the country.

[2] HUD computes median home values for the purpose of determining FHA loan limits.

[3] For example, a divergence in the median values used by HUD and FHFA would have meant that, for some years, FHA and Enterprise loan limits would have differed despite the fact that the respective loan-limit formulas were generally the same.

[4] "County-equivalent" areas include, for example, parishes in Louisiana.

[5] In Alaska, Hawaii, Guam, and the U.S. Virgin Islands, the baseline and ceiling limits are reduced to $600,000 and $900,000 respectively.

[6] ($400,000 − $417,000)/$417,000 = −.04077.

Alaska had balances in the affected range. Because loan amounts tend to be higher in urban areas than they are in states, the data in Table 2 reflect slightly larger shares of affected loans for MSAs. The shares of potentially impacted loans still remain relatively modest.

As indicated earlier, the mortgage counts reflected in the tables likely represent a substantial overstatement of the number of borrowers that might have been unable to obtain an Enterprise-eligible loan, or could be unable to do so in 2014. If loan purchase limits had been lower in 2012, some borrowers who took out loans in excess of the lower limit may have been able to modify their plans and borrow less (i.e., might still have taken out an Enterprise-eligible loan). In other words, whether by either increasing down payment or by taking out a larger second mortgage, some borrowers still would have had the ability to take out a loan that met the lower purchase limit.

A different and more sophisticated analysis would investigate, statistically, the relationship between the loan limit and the distribution of loan amounts. Not surprisingly, a large number of acquired Enterprise loans in 2012 had balances of exactly $417,000. Developing a statistical model that evaluates the size of the spike in the loan count that occurs at exactly the current loan limit would be valuable for estimating the size of the spike that would occur under a lower loan purchase limit. Unlike the prior impact analysis—which assumes that a borrower with a $417,000 mortgage would not have obtained an Enterprise-eligible loan if the limit were $416,999 or lower (i.e., the loan would have been "eliminated")—a statistical model can implicitly account for borrower adjustments that would take place.

FHFA has been working on a model that might be used for such a purpose. While crude, a preliminary analysis suggests impact estimates that are roughly half of those produced in the simple approach.

Impact Analysis: Loan-Level Inspection

Although a statistical model would represent an improvement over simply counting mortgages in the affected range, an alternative analysis—one that makes use of loan-level information available to FHFA—is also available. Loan-level data can be used to identify options that would have been available to borrowers had loan purchase limits been lower. In doing so, one can remove from the set of eliminated loans mortgages for which borrowers would have had effective ways of responding to lower loan purchase limits. For example, data showing borrower cash reserves can be used to identify borrowers who, in response to a reduced loan purchase limit, would have had the demonstrated capacity to take out a smaller mortgage. Also, information about FICO scores and the loan-to-value ratio at origination can be used to identify borrowers who likely could have qualified for jumbo mortgages. Because interest rates for jumbo mortgages were only modestly higher than rates for Enterprise mortgages,[7] the "impact" of a borrower receiving a jumbo mortgage as opposed to an Enterprise mortgage would have been minimal. In this analysis, such borrowers are therefore excluded from the counts of impacted borrowers.

Using loan-level data, Table 3 shows the results of this more comprehensive approach for assessing the expected impact. The first row in the table repeats the impact number that was produced in the crude analysis—169,939. The second row estimates the number of mortgages that would have had balances above the new loan purchase limit and had combined loan-to-value (CLTV) ratios and FICO levels that may have made it difficult for the borrower to obtain jumbo financing.[8] Loans with FICO scores of either less than 720 or CLTV ratios above 80 percent were assumed to present potential difficulties.[9] The third row uses available information on borrower cash-on-hand to eliminate from the remaining sample borrowers who may have had the ability to take out a smaller mortgage.[10]

Ultimately, after the various filters are applied, row 3 of Table 3 shows roughly 32,000 remaining mortgages. This means that, after accounting for loan characteristics and recognizing that jumbo financing would have been a reasonable alternative for many borrowers, the final impact of a loan purchase limit reduction might have only been about 32,000 loans. This figure is roughly 20 percent of the original crude impact estimate. Assuming that approximately 8.4 million mortgages were originated in 2012, the number reflects less than 0.4 percent of all 2012 loan originations.

It should be noted that the final impact analysis does not account for the availability of mortgages endorsed by the Federal Housing Administration (FHA). Some of the roughly 32,000 impacted loans may have been able to obtain FHA financing. While borrower costs would be higher (vis-à-vis Fannie Mae, Freddie Mac, and jumbo loans), such borrowers would have obtained mortgage rates that still were attractive from a historical perspective.

Impact Analysis: Characteristics of Impacted Loans

Table 4 attempts to answer: "What types of borrowers and what types of loans would be affected by the loan purchase limit reductions?" The table shows summary statistics for loans that the more comprehensive impact analysis suggested might be affected. The first column of the table shows summary data for roughly 32,000 loans identified in the comprehensive impact analysis.[11] The second column shows statistics for only the purchase-money mortgages contained in that sample. Approximately 40 percent of the affected loans were purchase-money mortgages. The final column shows statistics for only about 13,000 loans.

The table shows that potentially affected borrowers had relatively high incomes. The median 2012 household income for impacted borrowers who took out purchase-money mortgages was about $176,000—more than three times the national median. Twenty-five percent of such borrowers had household incomes of more than $229,000.

In general, the potentially impacted borrowers were attempting to either buy or refinance relatively expensive homes. Across all mortgage types, the median home value was $550,000, while the median sales price for purchased homes was around $520,000. Twenty-five percent of borrowers were attempting to buy homes valued at either $649,000 or more.

Although Table 4 shows many of the affected loans were in California, Illinois, Texas, Florida, and Colorado, these states collectively did not comprise a majority of the impacted loans. Combined, these states accounted for only about 40 percent of affected loans, suggesting that the effects of a loan purchase limit decline might have been geographically dispersed.

Impact Analysis: A Note About Home Prices

In light of the limited number of affected purchase-money mortgages, it would be reasonable to assume the market effects of a small loan purchase limit decline would be modest. Given the millions of single-family property transactions that occur each year in

[7] Indeed, in some recent periods, the spread in mortgage rates has been zero or negative (i.e., jumbo rates have actually been lower than rates for Enterprise eligible loans).

[8] The CLTV is the sum of all original loan amounts—including balances for first and second mortgages originated—divided by the value of the property.

[9] Second liens information is readily available for Fannie Mae loans; however, second liens data for Freddie Mac loans are incomplete. Accordingly, a factor derived from Fannie Mae data was used to produce an estimate for Freddie Mac. Specifically, Fannie Mae data indicated that, among mortgages with good FICO scores and with *first* liens that represented either 80 percent or less of the property value, only about 5 percent had second liens that may have hindered access to jumbo mortgages (i.e., the CLTV would have exceeded 80 percent). The number of Freddie Mac loans with favorable FICO and CLTV values was thus assumed to be 95 percent of the number of Freddie Mac having a FICO of 720 and with a first-lien LTV ratio of 80 percent or below.

[10] Because cash reserves data are unavailable for Freddie Mac, to arrive at its final impact estimate (that omits loans with sufficient cash reserves)—an imputation was used. Consistent with available data for Fannie Mae, it was assumed that roughly 24 percent of Freddie Mac's jumbo-ineligible loans had sufficient cash reserves.

[11] Although Table 3 reported a total of about 32,000 potentially impacted loans, loan characteristics for some impacted loans are not observable. The absence of certain loan-level data for Freddie Mac meant that some of the overall impact was based on imputations; i.e., the specific impacted loans were not identifiable. For the purpose of analyzing impacted loans in Table 4 then, a sample was assembled that contained the loans in the final Fannie Mae affected sample (which were identifiable) plus a set of Freddie Mac loans that were reasonably representative. The Freddie Mac loans included were cases where the borrower had either a FICO score of below 720 OR a first-lien ratio of more than 80 percent. This Freddie Mac sample captures some borrowers who might not have been ultimately impacted (e.g., borrowers who had sufficient reserves to take out an Enterprise-eligible loan) and excludes some borrowers who might have been impacted (e.g., borrowers who had second liens that drove up their CLTV values to above 80 percent). The effects of this imperfect overlap on the representativeness of the overall sample (i.e., the pooled sample of Fannie Mae and Freddie Mac loans) should be modest, however.

this country, the influence that around 13,000 purchase-money mortgages might have on home prices would seem to be relatively small.

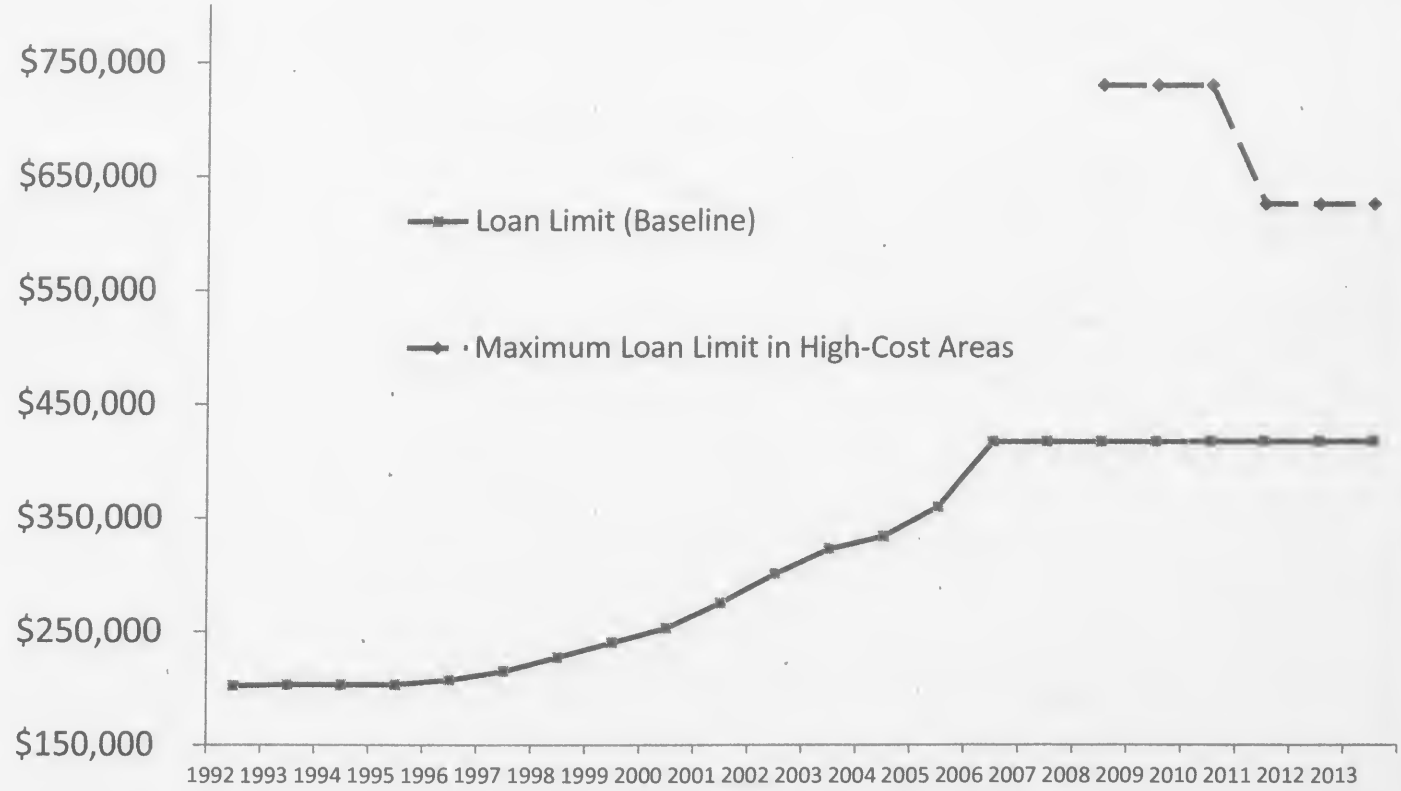
Though not conclusive, historical evidence supports the expectation that the price effects will be modest. Loan limits decreased in certain high-cost areas in late 2011 with little discernible impact on observable prices. While no comprehensive analysis has been conducted into the effects of that reduction, post-reduction price increases—in many cases large increases—were evident in many of the most affected areas. For instance, Washington, DC, Los Angeles, San Francisco, and San Diego—cities that saw loan limit reductions of more than $100,000—experienced price increases in the following four quarters between 5.2 and 10.0 percent. These appreciation rates compared positively to the national appreciation over that period of 4.0 percent.

The late-2011 loan purchase limit reduction was geographically smaller in scope than the one contemplated for 2014.[12] In many areas, the 2011 loan limit declines were much larger than the planned 2014 loan purchase limit declines. Moreover, the 2011 reduction occurred in a fragile period for the housing recovery and appeared to have a limited impact during a fragile economic recovery period. This suggests that the impact of the contemplated 2014 loan limit reduction may be quite limited.

BILLING CODE 8070–01–P

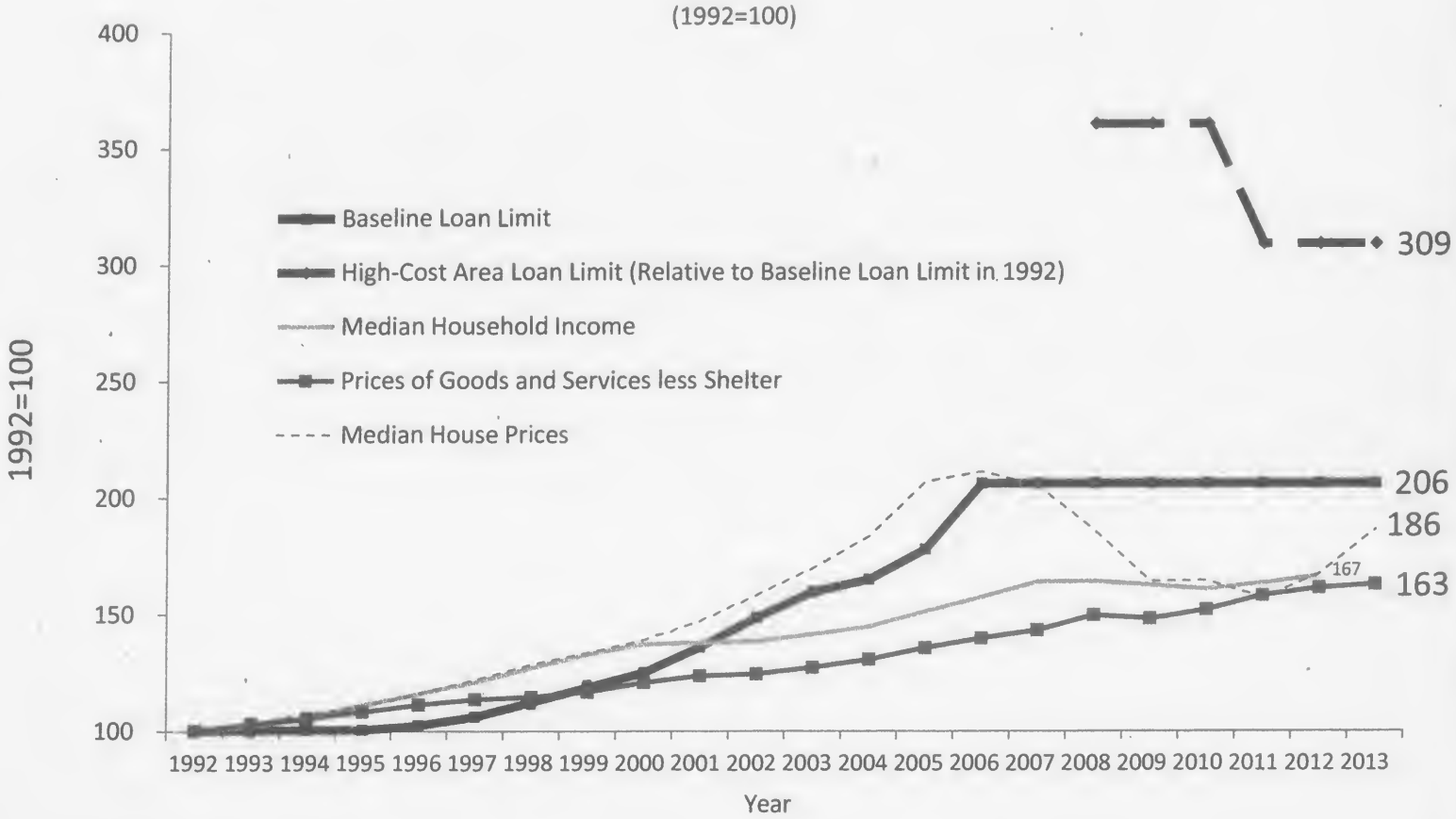
[12] Prior to the implementation of the 2011 reduction, a Mortgage Market Note was published that found that roughly 50,000 Enterprise loans with potentially affected loan amounts had been originated in the prior year. The 50,000 estimate did not include condominiums and properties in Planned Unit Developments—properties included in the mortgage counts supplied in this analysis. Even adjusting for those exclusions, however, the scope of the 2011 loan limit reduction was substantively smaller.

Figure 1
Enterprise Conforming Loan Limits Between 1992 to 2013



Notes: (1) The reported Baseline and Maximum Loan Limits reflect the limits in effect for mortgages in the contiguous United States; (2) The $729,750 Maximum Loan Limit in High-Cost Areas originally became effective with the February 2008 enactment of the Economic Stimulus Act of 2008; (3) The 2011 High-Cost Area maximum is the maximum that was set under the terms of HERA, which applied to loans originated after September 30th. Prior to October 1, 2011, the maximum limit in high-cost areas was $729,750.

Figure 2
Growth in Conforming Loan Limit vs. Growth in Other Economic Metrics



Source: FHFA calculations based on data from: Census Bureau (Median Household Income--Table H-6 Current Population Survey), Bureau of Labor Statistics (Prices of Goods and Services less Shelter--Series CUUR0000SA0L2), and National Association of Realtors (Median U.S. House Prices).

Table 1: Enterprise Acquisitions by State in 2012
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

State	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
USA	5,786,103	169,939	50,011	119,928
Alabama	58,941	1,533	392	1,141
Alaska	12,519	70	27	43
Arizona	163,201	4,414	1,427	2,987
Arkansas	34,005	620	173	447
California	978,907	36,213	8,676	27,537
Colorado	155,643	9,305	3,019	6,286
Connecticut	66,447	1,962	604	1,358
D.C.	15,240	907	**337**	570
Delaware	19,756	702	206	496
Florida	278,278	6,940	2,771	4,169
Georgia	157,335	5,214	1,854	3,360
Hawaii	23,116	322	118	204
Hawaii	35,350	555	167	388
Illinois	294,650	12,502	2,825	9,677

Source: FHFA calculations using Enterprise Historical Loan Performance database.

Table 1: Enterprise Acquisitions by State in 2012 (Cont.)
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

State	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
Indiana	110,249	1,779	450	1,329
Iowa	68,853	946	165	781
Kansas	42,232	852	290	562
Kentucky	60,555	1,080	273	807
Louisiana	49,446	1,388	371	1,017
Maine	18,653	448	94	354
Maryland	133,349	3,494	1,065	2,429
Massachusetts	176,344	5,525	1,703	3,822
Michigan	213,967	2,784	776	2,008
Minnesota	145,011	4,667	1,466	3,201
Mississippi	24,919	533	92	441
Missouri	117,648	2,994	618	2,376
Montana	22,267	630	141	489
Nebraska	36,855	550	120	430
Nevada	51,895	893	315	578

Table 1: Enterprise Acquisitions by State in 2012 (Cont.)
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

State	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
New Hampshire	30,085	473	159	314
New Jersey	164,791	3,580	1,205	2,375
New Mexico	29,040	884	246	638
New York	186,216	3,606	1,297	2,309
North Carolina	158,866	6,063	1,749	4,314
North Dakota	11,720	162	59	103
Ohio	178,871	2,910	792	2,118
Oklahoma	39,360	1,003	316	687
Oregon	94,267	3,614	1,144	2,470
Pennsylvania	183,546	6,231	1,988	4,243
Rhode Island	18,367	451	118	333
South Carolina	69,359	2,473	672	1,801
South Dakota	16,315	314	66	248
Tennessee	83,165	2,800	989	1,811
Texas	307,965	11,724	4,784	6,940

Table 1: Enterprise Acquisitions by State in 2012 (Cont.)
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

State	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
Utah	71,279	1,243	324	919
Vermont	13,821	347	82	265
Virginia	184,540	3,758	1,181	2,577
Washington	179,448	5,021	1,696	3,325
West Virginia	13,415	140	30	110
Wisconsin	174,935	3,055	522	2,533
Wyoming	11,101	265	57	208

Table 2: Enterprise Acquisitions by Metropolitan Area in 2012
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

Metropolitan Statistical Area	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
Atlanta-Sandy Springs-Roswell, GA	112,311	4,446	1,683	2,763
Baltimore-Columbia-Towson, MD	58,342	1,410	522	888
Boston-Cambridge-Newton, MA-NH	136,321	3,520	1,211	2,309
Charlotte-Concord-Gastonia, NC-SC	38,956	1,811	610	1,201
Chicago-Naperville-Elgin, IL-IN-WI	226,522	12,034	2,773	9,261
Dallas-Fort Worth-Arlington, TX	107,661	4,226	1,677	2,549
Denver-Aurora-Lakewood, CO	86,522	5,820	**2,090**	3,730
Detroit-Warren-Dearborn, MI	102,427	1,314	432	882
Houston-The Woodlands-Sugar Land, TX	84,401	3,593	1,675	1,918
Los Angeles-Long Beach-Anaheim, CA	310,099	9,511	2,275	7,236
Miami-Fort Lauderdale-West Palm Beach, FL	69,413	2,941	1,204	1,737
Minneapolis-St. Paul-Bloomington, MN-WI	103,245	4,039	1,351	2,688
New York-Newark-Jersey City, NY-NJ-PA	245,516	4,456	1,623	2,833
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	114,979	5,439	1,693	3,746
Phoenix-Mesa-Scottsdale, AZ	120,090	3,584	1,219	2,365
Pittsburgh, PA	27,937	789	334	455

Source: FHFA calculations using Enterprise Historical Loan Performance database.

Table 2: Enterprise Acquisitions by Metropolitan Area in 2012 (Cont.)
Count of Mortgages with Original Balances above the Contemplated Loan Purchase Limits
($400,000 in most areas, but as high as $600,000 in the contiguous U.S.)

[One-Unit Properties]

Counts that Represent 10% or More of Total Mortgage Count for Category are in **Bold**

Metropolitan Statistical Area	Total Acquisitions (Purchase-Money + Refinance)	Loans with Balances above Contemplated Loan Purchase Limits		
		All Loans	Purchase-Money Mortgages	Refinance Mortgages
Portland-Vancouver-Willsboro, OR-WA	64,863	2,995	990	2,005
Riverside-San Bernardino-Ontario, CA	84,212	2,653	693	1,960
San Antonio-New Braunfels, TX	21,122	709	236	473
San Diego-Carlsbad, CA	89,930	3,438	1,023	2,415
San Francisco-Oakland-Hayward, CA	162,512	9,706	**2,282**	7,424
Seattle-Tacoma-Bellevue, WA	108,055	3,112	1,246	1,866
St. Louis, MO-IL	72,895	2,426	471	1,955
Tampa-St. Petersburg-Clearwater, FL	41,707	979	411	568
Washington-Arlington-Alexandria, DC-VA-MD-WV	176,707	5,307	1,697	3,610

Table 3: 2012 Mortgages that Might Have Been Affected Had Loan Limits been at Contemplated Loan Purchase Limits

		Total
[1]	Loan Amount Above Contemplated Loan Purchase Limit	169,939
[2]	Loan Amount Above Contemplated Loan Purchase Limit AND Either: FICO<720 OR Combined Loan-to-Value Ratio (CLTV) >80 percent*	41,982
[3]	Loan Amount Above Contemplated Loan Purchase Limit AND (FICO<720 OR CLTV>80 percent) AND Insufficient Reserves available for a larger down payment.**	31,846

Assuming roughly 8.4 million mortgages were originated in 2012,** this represents less than 0.4 percent of the overall market.

Notes:

* - Because second liens data were incomplete for Freddie Mac mortgages, a scaling factor was used to derive the number of affected loans for Freddie Mac. See text for details.

** - For Fannie Mae mortgages, "Insufficient reserves" were indicated where reducing the loan amount to the new loan limit would entail reducing total assets to less than 12 months worth of payment reserves. Because loan-level cash reserves data were available for Freddie Mac loans, the underlying estimate for Freddie Mac was derived. See text for details.

** 8.4 Million is a crude estimate. It assumes roughly 5.7 million Enterprise loans (Data from Enterprise Historical Loan Performance Database) + 1 million FHA loans (rough estimate from FHA monthly summaries) + .5 million VA loans (crude estimate from VA monthly summaries). Estimates from Inside Mortgage Finance were used to estimate that the non-government market comprised about 14 percent of overall originations.

Table 4: Mortgage and Borrower Characteristics for Loans that Might Have Been Affected by a Lower 2012 Loan Limit

Attribute	Share or Number of Loans	
Sample	All Potentially Affected Loans (Roughly 33,000 loans)	Potentially Affected *Purchase-Money* Mortgages (Roughly 13,000 loans)
Loan Purpose		
Purchase-Money Share	39.0%	100%
Cash-Out Refinance Share	9.3%	-
Rate-Term Refinance (or "Other")	51.7%	-
Other Loan Characteristics		
Median Loan Amount	$417,000	$417,000
Household Income		
25th Percentile	$135,432	$139,704
Median	$177,744	$176,490
75th Percentile	$240,000	$229,776
Home Values		
25th Percentile	$459,849	$452,500
Median	$550,000	$520,000
75th Percentile	$700,000	$649,900
Median FICO	715	732
Median LTV (First Mortgage Amount / Home Value)	0.80	0.85
Back-End DTI		
25th Percentile	27%	28%
Median	35%	35%
75th Percentile	41%	41%
90th Percentile	45%	44%
State Representation (Largest 5 States)		
California	4,325	1,441
Texas	2,584	1,302
Illinois	2,468	773
Colorado	1,991	950
Florida	1,854	681

Source: FHFA (Historical Loan Performance Database).

[FR Doc. 2013–30477 Filed 12–20–13; 8:45 am]
BILLING CODE 8070–01–C

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 17, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *First Florida Bancorp, Inc.*, Destin, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First Florida Bank, Destin, Florida.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Mid Illinois Bancorp, Inc., Employee Stock Ownership Plan*, Peoria, Illinois; to become a bank holding company by acquiring at least 30 percent of the voting shares of Mid Illinois Bancorp, Inc., and thereby acquire voting shares of South Side Trust and Savings Bank, Peoria, Illinois.

In connection with the application, Applicant also has applied to engage in extending credit and servicing loans, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, December 18, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–30479 Filed 12–20–13; 8:45 am]
BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 7, 2014.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. CorpBanca, Santiago, Chile; to engage *de novo* through its subsidiary, CorpBanca Securities Inc., New York, New York, in financial and investment advisory activities and securities brokerage, riskless principal and private placement activities, pursuant to sections 225.28(b)(6) and 225.28(b)(7)(i) through (iii).

Board of Governors of the Federal Reserve System, December 18, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–30480 Filed 12–20–13; 8:45 am]
BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–20475–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before January 22, 2014.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier HHS–OS–20475–30D for reference.

Information Collection Request Title: Survey of Medical Care Providers for the Evaluation of the Regional Extension Center (REC) Program.

Abstract: This new, one-time data collection activity is needed to collect information from practices that are utilizing assistance from the Regional Extension Center program to implement and meaningfully use health information technology, as well as practices that are not working with a Regional Extension Center. The survey data will be analyzed to determine whether there is an association between REC participation and the use of

technical assistance, EHR adoption, and achievement of meaningful use of electronic health records by primary care practices. The data will also be used to identify challenges faced by primary care practices when adopting and meaningfully using EHRs. The resulting data will inform policy decisions by the Office of the National Coordinator for Health Information Technology (ONC), REC program administrators, and the broader community of policy makers and researchers interested in electronic health record (EHR) adoption.

Need and Proposed Use of the Information: The Office of the National Coordinator for Health Information Technology has funded an independent national program evaluation of the Regional Extension Center program. The proposed information collection effort is necessary to collect information to answer the following research questions: (1) Is REC participation associated with adoption of EHRs and meaningful use of EHRs? (2) Is REC participation associated with attestation in the Centers for Medicare and Medicaid Services (CMS) Medicare and Medicaid incentive programs? (3) Is REC participation associated with satisfaction and positive opinions about EHRs? (4) Is REC participation associated with use of assistance services? (5) Is REC participation associated with experiencing less difficulty in adoption of EHRs? (6) Is REC participation associated with being part of a care transformation program? There is no existing data source that can be used to answer these research questions.

Likely Respondents: The survey targets small primary care practices, and asks for the staff member most knowledgeable about electronic health record (EHR) adoption and utilization to answer the survey.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Physicians	Form A Screener Administered on Paper	1571	1	5/60	131
Nurses	Form A Screener Administered on Paper	1571	1	5/60	131
Practice Managers	Form A Screener Administered on Paper	1570	1	5/60	131
Physicians	Form B Survey Administered as a Computer-Assisted Telephone Interview.	475	1	30/60	238
Nurses	Form B Survey Administered as a Computer-Assisted Telephone Interview.	475	1	30/60	238
Practice Managers	Form B Survey Administered as a Computer-Assisted Telephone Interview.	475	1	30/60	238
Physicians	Form C Shortened Survey Administered on Paper.	119	1	10/60	20
Nurses	Form C Shortened Survey Administered on Paper.	119	1	10/60	20
Practice Managers	Form C Shortened Survey Administered on Paper.	118	1	10/60	20
Total					1167

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2013–30500 Filed 12–20–13; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–21138–60–D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0945–0006, which expires on March 31, 2014. Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before February 21, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–21138–60D for reference.

Information Collection Request Title: The Civil Rights Information Request Form.

OMB No.: 0945–0006.

Abstract: This request for OMB approval of The Civil Rights Information Request Form is for a 3 year extension. The Civil Rights Information Request

Form is designed to collect data from health care providers who have requested certification to participate in the Medicare Part A program. As part of the Medicare certification process, health care facilities must receive a civil rights clearance from the Office for Civil Rights (OCR). OCR uses the information to determine compliance with civil rights statutes and regulations. The civil rights information is requested only when a health care provider applies for Medicare Part A certification; it is *not* necessary on a regular yearly basis. Entities that are affected by the Civil Rights Information Request Form are: health care providers applying for Medicare certification, and individuals who, as a result of civil rights clearances, should be granted equal access to quality health care, regardless of race, color, national origin, disability, age and sex.

Need and Proposed Use of the Information: To ensure adherence to the statutory requirements, compliance reviews are requested when health care providers, such as hospitals, nursing homes and home health agencies, apply to participate in the Medicare Part A program. When a provider seeks Medicare certification, OCR conducts a compliance review to determine whether the provider will be able to comply with Title VI, Section 504, and the Age Discrimination Act. Such reviews are an effective means of working with health care providers because potential civil rights concerns can be identified prior to receipt of Federal financial assistance. The technical assistance available to recipients on the OCR Web site helps providers take steps to comply with their obligations to refrain from prohibited discrimination.

Likely Respondents: Healthcare providers.

Burden Statement: In conducting a complaint investigation or compliance review of a health care or social service provider, OCR determines whether a compliance review was performed by OCR. In many instances, the procedure decreases the burden on the recipient since the compliance review and corrective actions, as necessary, may reduce or eliminate the need for a formal investigation involving interviews, examination of records, collection and submission of data associated with issues already addressed through a recent compliance review certification process. To further reduce provider burden in completing the compliance review process, OCR has developed several Corporate Agreements with health care corporations. These Agreements are designed to expedite the civil rights compliance review process by implementing a practice whereby all of a corporation's national policies and procedures are reviewed and approved at OCR's headquarters' level. Subsequent to such approval, only local facility-specific information is reviewed by OCR for civil rights compliance during the review process.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
The Civil Rights Information Request Form	2900	1	8	23,200

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2013–30467 Filed 12–20–13; 8:45 am]

BILLING CODE 4153–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Dong-Pyou Han, Ph.D., Iowa State University of Science and Technology: Based on the report of an inquiry conducted by the Iowa State University of Science and Technology (ISU), a detailed admission by the Respondent, and additional analysis conducted by ORI, ORI and ISU found that Dr. Dong-Pyou Han, former Research Assistant Professor, Department of Biomedical Services, ISU, engaged in research misconduct in research supported by National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grants P01 AI074286, R33 AI076083, and U19 AI091031.

ORI and ISU found that the Respondent falsified results in research to develop a vaccine against human immunodeficiency virus-1 (HIV–1) by intentionally spiking samples of rabbit sera with antibodies to provide the desired results. The falsification made it appear that rabbits immunized with the gp41–54 moiety of the HIV gp41 glycoprotein induced antibodies capable of neutralizing a broad range of HIV–1 strains, when the original sera were weakly or non-reactive in neutralization assays. Falsified neutralization assay results were widely reported in laboratory meetings, seven (7) national and international symposia between 2010 and 2012, and in grant applications and progress reports P01 AI074286–03, −04, −05, and −06; R33 AI076083–04; U19 AI091031–01 and −03; and R01 AI090921–01. Specifically:

a. Respondent falsified research materials when he provided collaborators with sera for neutralization assays from (i) rabbits immunized with peptides from HIV gp41–54Q (and related antigens HR1–54Q, gp41–54Q–OG, gp41–54Q–GHC, gp41–54Q-Cys and Cys-gp41–54Q) to assay HIV neutralizing activity, when Respondent had spiked the samples with human IgG known to contain broadly neutralizing antibodies to HIV–1; and (ii) rabbits immunized with HIV gp41–54Q to assay HIV neutralizing activity, when Respondent had spiked the samples with sera from rabbits immunized with HIV–1 gp120 that neutralized HIV.

b. Respondent falsified data files for neutralization assays, and provided

false data to his laboratory colleagues, to make it appear that rabbits immunized with gp41–54Q and recombinant Lactobacillus expressing gp41–64 (LAB gp41–64) produced broadly reactive neutralizing antibodies, by changing the numbers to show that samples with little or no neutralizing activity had high activity.

Dr. Han has entered into a Voluntary Exclusion Agreement and has voluntarily agreed for a period of three (3) years, beginning on November 25, 2013:

(1) To exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as "covered transactions" pursuant to HHS' Implementation (2 CFR Part 376 *et seq*) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR Part 180 (collectively the "Debarment Regulations"); and

(2) to exclude himself voluntarily from serving in any advisory capacity to the U.S. Public Health Service (PHS) including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

David E. Wright,

Director, Office of Research Integrity.

[FR Doc. 2013–30424 Filed 12–20–13; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 14–0138]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Pulmonary Function Testing Course Approval Program, 29 CFR 1910.1043 (OMB No. 0920–0138, Expiration 8/31/2014)—Revision—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH has the responsibility under the Occupational Safety and Health Administration's Cotton Dust Standard, 29 CFR 1920.1043, for approving courses to train technicians to perform pulmonary function testing in the cotton industry. Successful completion of a NIOSH-approved course is mandatory under the standard.

To carry out its responsibility, NIOSH maintains a Pulmonary Function Testing Course Approval Program. The program consists of an application submitted by potential sponsors (universities, hospitals, and private consulting firms) who seek NIOSH approval to conduct courses, and if approved, notification to NIOSH of any course or faculty changes during the approval period, which is limited to five years. The application form and added materials, including an agenda, curriculum vitae, and course materials are reviewed by NIOSH to determine if the applicant has developed a program which adheres to the criteria required in the standard. Following approval, any subsequent changes to the course are submitted by course sponsors via letter or email and reviewed by NIOSH staff to assure that the changes in faculty or course content continue to meet course requirements. Course sponsors also voluntarily submit an annual report to inform NIOSH of their class activity level and any faculty changes. Sponsors who elect to have their approval renewed for an additional 5 year period submit a renewal application and supporting documentation for review by NIOSH staff to ensure the course curriculum meets all current standard requirements.

Approved courses that elect to offer NIOSH-Approved Spirometry Refresher Courses must submit a separate application and supporting documents for review by NIOSH staff. Institutions and organizations throughout the country voluntarily submit applications and materials to become course sponsors and carry out training. Submissions are required for NIOSH to evaluate a course and determine whether it meets the criteria in the standard and whether technicians will be adequately trained as mandated under the standard. NIOSH will disseminate a one-time customer satisfaction survey to course directors and sponsor representatives to evaluate our service to courses, the effectiveness of the program changes implemented since 2005, and the usefulness of potential Program enhancements.

The annualized figures slightly overestimate the actual burden, due to rounding of the number of respondents for even allocation over the three-year clearance period. The estimated annual burden to respondents is 201 hours. There will be no cost to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Potential Sponsors	Initial Application	3	1	3.5	11
	Annual Report	35	1	30/60	18
	Report for Course Changes	12	1	45/60	9
	Renewal Application	13	1	6	78

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
	Refresher Course Application	10	1	8	80
	One-Time Customer Satisfaction Survey.	23	1	12/60	5
Total					201

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–30365 Filed 12–20–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10510]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing a summary of this proposed information collection for public comment. Interested persons are invited to send comments regarding this collection's proposed burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have also submitted to the Office of Management and Budget (OMB) the proposed information collection for their emergency review. While the collection is necessary to ensure compliance with an initiative of the Administration, we are requesting emergency review under 5 CFR 1320(a)(2)(i) because public harm is reasonably likely to result if the regular clearance procedures are followed.

Without emergency approval, we will need to delay by approximately 4 months the release of Basic Health Program (BHP) federal payment rates beyond the March 2014 timeframe that was published in the BHP proposed regulation released on September 25, 2013 (78 FR 59122). Instead, we would release rates in early summer 2014 to accommodate the normal PRA approval process. Rates are needed in March 2014 to support state decisions to implement BHP on January 1, 2015, and to provide the necessary time for states to do their planning, contracting with issuers, and conducting open enrollment. Providing rates in the summer 2014 will likely postpone interested states' decisions and their implementation dates by as much as a year. This could result in as many as 1.3 million low income people not having access to BHP in early 2015, thereby prohibiting them from availing continuity of providers and health care that BHP is intended to provide. That is, BHP is a bridge program for low income people who today move in and out of health programs as their eligibility changes based on fluctuations in income and other factors, and such movements disrupt their access to the providers and services that they need. This delay in access to BHP benefits would likely cause public harm.

1. *Type of Information Collection Request:* New collection (request for a new OMB control number); *Title of Information Collection:* Basic Health Program Report for Health Insurance Exchange Premium; *Use:* In accordance with section 1331 of the Affordable Care Act, the Basic Health Program (BHP) is federally funded by determining the amount of payments that the federal government would have made through premium tax credits (PTCs) and cost sharing reductions (CSRs) for people enrolled in BHP had they instead been enrolled in an Exchange.

To calculate these amounts for each state, we need the reference premiums for the second lowest cost silver plans (SLCSPs) in each geographic area in a state, as SLCSPs are a basic unit in the calculation of PTCs and CSRs under the Exchanges. Relatedly, the reference premiums for these SLCSPs are critical components in the BHP payment methodology in order to estimate what PTCs and CSRs would have been paid. Similarly, we also need to collect reference premiums for the lowest cost bronze plans to appropriately account for CSR calculations for American Indians and Alaskan Natives. Reference premiums are foundational inputs into the BHP payment methodology.

We have the necessary information to determine these reference premiums for states whose Exchanges are operated by the Federally Facilitated Exchange (FFE) or in Partnership with the FFE. Therefore, this collection only pertains to the 17 states who are operating State Based Exchanges. A related notice, issued under CMS–2380–PN, is also publishing in today's **Federal Register**; *Form Number:* CMS–10510 (OCN: 0938–New); *Frequency:* Yearly; *Affected Public:* State, Local or Tribal Governments; *Number of Respondents:* 17; *Total Annual Responses:* 17; *Total Annual Hours:* 68. (For policy questions regarding this collection contact Jessica Schubel at 410–786–3032.)

We are requesting OMB review and approval of this collection by December 23, 2013, with a 180-day approval period. Written comments and recommendations will be considered from the public if received by the date and address noted below.

Copies of the supporting statement and any related forms can be found at: *http://www.cms.hhs.gov/PaperworkReductionActof1995* or can be obtained by emailing your request, including your address, phone number, OMB number, and CMS document identifier, to: *Paperwork@cms.hhs.gov,* or by calling the Reports Clearance Office at: 410–786–1326.

When commenting on this proposed information collection, please reference the CMS document identifier and the OMB control number (OCN). To be assured consideration, comments and

recommendations must be received in one of the following ways by January 2, 2014:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier (CMS–10510), Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850 and, OMB Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: 202–395–6974.

Dated: December 17, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–30434 Filed 12–18–13; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9953–FN]

Health Insurance Exchanges; Approval of an Application by the Accreditation Association for Ambulatory Health Care (AAAHC) To Be a Recognized Accrediting Entity for the Accreditation of Qualified Health Plans

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the Accreditation Association for Ambulatory Health Care (AAAHC) for recognition as an accrediting entity for the purposes of fulfilling the accreditation requirement as part of qualified health plan (QHP) certification.

DATE: This notice is effective on December 23, 2013.

FOR FURTHER INFORMATION CONTACT: Rebecca Zimmermann, (301) 492–4396.

SUPPLEMENTARY INFORMATION:

I. Background

Regulations at 45 CFR 156.275(c) require qualified health plan (QHP) issuers to be accredited on the basis of local performance of its QHPs by an accrediting entity recognized by the Secretary (the Secretary) of the Department of Health and Human Services (HHS). In a final rule published on July 20, 2012 titled, "Data Collection To Support Standards Related to Essential Health Benefits; Recognition of Entities for the Accreditation of Qualified Health Plans (77 FR 42658)," we established the first phase of an intended two-phase approach to recognize accrediting entities and proposed both the National Committee for Quality Assurance (NCQA) and URAC as recognized accrediting entities. On November 23, 2012, we notified the public that NCQA and URAC had both met the requirements in the July 2012 final rule to be recognized as accrediting entities (§ 156.275(c)(1)(iv)) and were recognized by the Secretary [1] as accrediting entities for the purposes of QHP certification.

On February 25, 2013, we published a subsequent final rule, titled, "Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation" (78 FR 12834),[2] which amended § 156.275(c) to establish an application and review process to allow additional accrediting entities to seek recognition. The application submitted by an accrediting entity must include documentation described in § 156.275(c)(4) and demonstrate, in a concise and organized fashion, how the accrediting entity meets the requirements of § 156.275(c)(2) and (3). Specifically, to be recognized, an accrediting entity must provide current accreditation standards and requirements, processes, and measure specifications for performance measures to demonstrate via a crosswalk that it meets the conditions described in § 156.275(c)(2) and (c)(3). Further, once recognized, § 156.275(c)(4)(ii) requires accrediting entities to provide the Secretary with any proposed changes or updates to the accreditation standards and requirements, processes, and measure specifications for performance measures with 60 days' notice prior to public notification. Lastly, § 156.275(c)(5) requires recognized accrediting entities, when authorized by an accredited QHP issuer, to provide specific QHP issuer accreditation survey data elements, other than personally identifiable information, to the Exchange in which the issuer plans to operate one or more QHPs during the annual certification or as changes occur in the data elements throughout the coverage year.

II. Provisions of the Proposed Notice

On September 13, 2013, we published in the **Federal Register** a proposed notice [3] announcing the receipt of an application from the Accreditation Association for Ambulatory Health Care (AAAHC) to be a recognized accrediting entity for the purposes of fulfilling the accreditation requirement as part of qualified health plan certification. In the proposed notice, we provided a detailed analysis of whether AAAHC meet the requirements as specified in our regulations at § 156.275. In addition, we solicited public comments on whether it was appropriate to recognize AAAHC as an accrediting entity for the purpose of QHP certification; AAAHC's accreditation standards for QHP issuers including whether or not AAAHC's standards meet the requirements in § 156.275; whether AAAHC had any deficiencies in its standards; the content of the proposed clinical quality measures and their appropriateness for use in QHP accreditation; the rigor of the scoring methodology; and if the network adequacy standards will ensure sufficient network of providers for QHP enrollees.

III. Analysis of and Response to Public Comments on the Proposed Notice

We received nine public comments in response to the September 13, 2013 proposed notice. Five commenters supported the recommendation to recognize AAAHC as an accrediting entity for the purposes of QHP accreditation; whereas two commenters did not support the proposal to recognize AAAHC as an accrediting entity. Two commenters provided comments that were outside the scope of the proposed notice.

One commenter questioned the comparability of AAAHC's standards to other HHS-recognized accrediting entities. Another commenter requested that more child measures be included in the clinical quality metrics. Both of these commenters thought that the accreditation standards were not sufficiently transparent.

[1] Certain authority under the Affordable Care Act has been delegated from the Secretary to the Administrator of CMS. 76 FR 53903 through 53906, (August 30, 2011).

[2] Patient Protection and Affordable Care Act; Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation; Final Rule, 78 FR 12834, 12854–12855 (February 25, 2013) (45 CFR 156.275(c)).

[3] Health Insurance Exchanges; Application by the Accreditation Association for Ambulatory Health Care To Be a Recognized Accrediting Entity for the Accreditation of Qualified Health Plans; 78 FR 56711–56714 (September 13, 2013).

While there may be some instances where AAAHC's standards differ from other recognized accrediting entities, AAAHC has met the criteria to be recognized by HHS based on our standards in § 156.275(c). We believe there is a sufficient number of measures applicable to children included in the proposed clinical quality metrics and further note that the AAAHC's measure set is identical to the set used by a different HHS-recognized accrediting entity (that is, URAC). Lastly, the accreditation standards are propriety documents and we have not required any of the recognized accrediting entities to make their standards public. Therefore, we cannot require AAAHC to make their standards public.

In addition, we have previously indicated that we may, at a later date, modify the recognition process of accrediting entities and will solicit comments on any proposed future rulemaking that time.

IV. Provisions of the Final Notice

Upon completion of our analysis, including evaluation of comments received as a result of the proposed notice, we have determined that the AAAHC meets the requirements and criteria described in the July 20, 2012 final rule, titled "Data Collection To Support Standards Related to Essential Health Benefits; Recognition of Entities for the Accreditation of Qualified Health Plans" (77 FR 42658) to be recognized as an accrediting entity. This final notice acknowledges the approval of AAAHC's application. The AAAHC is now recognized by the Secretary of HHS [4] as an accrediting entity for the purposes of QHP certification.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

Dated: December 17, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–30522 Filed 12–20–13; 8:45 am]

BILLING CODE 4120–01–P

[4] Delegated to CCIIO, 76 FR 53903 through 53906 (August 30, 2011).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License for: Convection Enhanced Delivery of a Therapeutic Agent With a Surrogate Tracer for Treating Cancer and Urological Diseases

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR 404.7, that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive worldwide license to practice the inventions embodied in: HHS Ref. No E–202–2002/0 "Method for Convection Enhanced Delivery of Therapeutic Agents", U.S. Provisional Patent Application 60/413,673 (filed September 24, 2002; expired), International Patent Application No. PCT/US2003/30155 (filed September 24, 2003; nationalized), U.S. Patent Application 7,371,225, European Patent Application 03756863.1, Australian Patent 2003299140, to Medicenna Therapeutics, Inc. having a principle place of business in 1075 West Georgia St., Vancouver, BC, Canada V6E 3C9.

The United States of America is an assignee to the patent rights of these inventions.

The contemplated exclusive license may be in a field of use directed to the treatment of cancers and urological disorders that express IL–4 receptor on their cell surface by administering cpIL4–PE38KDEL by convection enhanced deliver along with a Gd-DTPA surrogate tracer.

DATES: Only written comments and/or applications for a license that are received by the NIH Office of Technology Transfer on or before January 22, 2014 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael Shmilovich, Esq, CLP, Senior Licensing and Patent Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5019; Facsimile: (301) 402–0220; Email: *shmilovm@mail.nih.gov.* A signed confidential disclosure agreement may be required to receive copies of the patent application assuming it has not already been published under either the publication rules of either the U.S. Patent and Trademark Office or the World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: The invention is a method for monitoring the spatial distribution of therapeutic substances by MRI or CT that have been administered to tissue using convection enhanced delivery, a technique that is the subject of now expired NIH-owned U.S. Patent No. 5,720,720 (HHS Ref. E–173–1992/0). The tracer is a molecule, detectable by MRI or CT, which functions as a surrogate for the motion of the therapeutic agent through the solid tissue. In other particular embodiments, the tracer is the therapeutic agent conjugated to an imaging moiety. The method of this invention uses non-toxic macromolecular MRI contrast agents such as chelated Gd(III). These macromolecular imaging agents have clearance properties that mimic the pharmacokinetic properties of co-administrated drugs, so as to be useful in quantifying the range and dosage level of therapeutic drugs using MR imaging.

The prospective exclusive license will be royalty-bearing and comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 30 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: December 17, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–30430 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is

hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended because the premature disclosure of discussion of personnel matters and the discussions would likely to significantly frustrate implementation of recommendations.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: January 27, 2014.

Open: 10:00 a.m. to 1:00 p.m.

Agenda: To review the 2014 Clinical Center Strategic and Annual Operating Plan and provide updates on selected organizational initiatives.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board Room (4–2551), Bethesda, MD 20892.

Closed: 1:00 p.m. to 2:00 p.m.

Agenda: To discuss personnel matters.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board Room (4–2551), Bethesda, MD 20892.

Contact Person: Maureen E Gormley, Executive Secretary, Mark O. Hatfield Clinical Research Center, National Institutes of Health, Building 10, Room 6–2551, Bethesda, MD 20892 (301) 496–2897.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: December 17, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30396 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*http://videocast.nih.gov/*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory General Medical Sciences Council.

Date: January 23–24, 2014.

Closed: January 23, 2014, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: January 24, 2014, 8:30 a.m. to Adjournment.

Agenda: For the discussion of program policies and issues, opening remarks, report of the Director, NIGMS, and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Ann A. Hagan, Ph.D., Associate Director for Extramural Activities, NIGMS, NIH, DHHS, 45 Center Drive, Room 2AN24H, MSC 6200, Bethesda, MD 20892, (301) 594–4499, *hagana@nigms.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxis, hotel, and airport shuttles, will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Information is also available on the Institute's/Center's home page (*http://www.nigms.nih.gov/About/Council/*) where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS).

Dated: December 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30406 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Autism Coordinating Committee (IACC or Committee) meeting.

The purpose of the IACC meeting is to discuss and finalize the 2013 IACC Strategic Plan Update and discuss committee business, agency updates and issues related to autism spectrum disorder (ASD) research and services activities. The meeting will be open to the public and will be accessible by webcast and conference call.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Type of meeting: Open Meeting.

Date: January 14, 2014.

Time: 8:30 a.m. to 5:00 p.m. *Eastern Time *Approximate end time.

Agenda: To discuss and finalize the 2013 IACC Strategic Plan Update and discuss committee business, updates and issues related to ASD research and services activities.

Place: The National Institutes of Health, 31 Center Drive, Building 31, C Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Webcast Live: http://videocast.nih.gov/.

Conference Call Access: Dial: 888–769–9402 Access code: 4632869.

Cost: The meeting is free and open to the public.

Registration: Pre-registration is recommended to expedite check-in. Seating in the meeting room is limited to room capacity and on a first come, first served basis. To register, please visit: *www.iacc.hhs.gov.*

Deadlines: Notification of intent to present oral comments: Tuesday, January 7, 2014 by 5:00 p.m. ET. Submission of written/electronic statement for oral comments: Wednesday, January 8, 2014 by 5:00 p.m. ET. Submission of written comments: Wednesday, January 8, 2014 by 5:00 p.m. ET. Please note: The NIMH Office of Autism Research Coordination (OARC) anticipates that written public comments received by 5:00 p.m. ET, Wednesday, January 8, 2014 will be presented to the Committee prior to the January 14th meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, January 8, 2014 deadline through January 13, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies.

Access: Medical Center Metro (Red Line).

Contact Person: Ms. Lina Perez, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6182A, Bethesda, MD 20892–9669, Phone: 301–443–6040, Email: *IACCPublicInquiries@mail.nih.gov.*

Public Comments: Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Tuesday, January 7, 2014, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral presentation/statement including a brief description of the organization represented by 5:00 p.m. ET on Wednesday, January 8, 2014. Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments and presentations will be limited to three to five minutes per speaker, depending on number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline.

In addition, any interested person may submit written comments to the IACC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET on Wednesday 8, 2014. The comments should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. NIMH anticipates written public comments received by 5:00 p.m. ET, Wednesday, January 8, 2014 will be presented to the Committee prior to the meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, January 8, 2014 deadline through January 13, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies. All written public comments and oral public comment statements received by the deadlines for both oral and written public comments will be provided to the IACC for their consideration and will become part of the public record.

In the 2009 IACC Strategic Plan, the IACC listed the "Spirit of Collaboration" as one of its core values, stating that, "We will treat others with respect, listen to diverse views with open minds, discuss submitted public comments, and foster discussions where participants can comfortably offer opposing opinions." In keeping with this core value, the IACC and the NIMH Office of Autism Research Coordination (OARC) ask that members of the public who provide public comments or participate in meetings of the IACC also seek to treat others with respect and consideration in their communications and actions, even when discussing issues of genuine concern or disagreement.

Remote Access: The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the webcast or conference call, please send an email to *helpdeskiacc@gmail.com* or by phone at 415–652–8023.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least 5 days prior to the meeting.

Security: In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Also as a part of security procedures, attendees should be prepared to present a photo ID at the meeting registration desk during the check-in process. Pre-registration is recommended. Seating will be limited to the room capacity and seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov.*

Dated: December 17, 2013.

Carolyn Baum,

Program Anolyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30397 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Centers for AIDS Research and Developmental Centers for AIDS Research (P30).

Date: January 13–14, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Ploce: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Jay Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS,

6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892, 301–496–7042, *sundstromj@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Pharmacological Approaches to Evaluating Drug Regimens to Address Antimicrobial Resistance (R01).

Date: January 14–15, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Susquehanna/Severn Suite, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–1009, *fdesilva@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

Date: January 14, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Dr., MSC–7616, Bethesda, MD 20892–7616, 301–496–2550, *robert.unfer@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisary Committee Policy.

[FR Doc. 2013–30404 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Plasticity and Neural Stem Cells.

Date: January 7, 2014.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4811, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Hematopoiesis, Hemoglobin and Hypertension.

Date: January 23, 2014–January 24, 2015.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *kamissar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 17, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisary Committee Policy.

[FR Doc. 2013–30408 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF MENTAL HEALTH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: January 21–22, 2014.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hilton Washington/Rockville Regency Room, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: A. Roger Little, Ph.D., Executive Secretary, Board of Scientific Counselors, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6132, Bethesda, MD 20892–9609, 301–402–5844, *alittle@mail.nih.gav*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS).

Dated: December 17, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisary Committee Policy.

[FR Doc. 2013–30398 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel, Center for Engineered Cartilage (2014/05).

Date: February 14, 2014.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov*.

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30403 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Research.

Date: January 29, 2014.

Time: 3:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30401 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel Conflicts R01R21/K01.

Date: February 19, 2014.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: December 17, 2013.

Michelle Trout,

Program Analyst, Office of the Federal Advisory Committee Policy.

[FR Doc. 2013–30393 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Cardiovascular Dysfunction in CKD Studies.

Date: January 8, 2014.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call), *Contact Person:* Carol J. Goter-Robinson, Ph.D, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30400 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Pain

Research Coordinating Committee (IPRCC) meeting.

The meeting will feature invited speakers and discussions of committee business items including the National Pain Strategy, a searchable data base for the Federally-funded pain research portfolio, and opportunities for partnerships in pain research.

The meeting will be open to the public and accessible by live webcast and conference call.

Name of Committee: Interagency Pain Research Coordinating Committee.

Type of meeting: Open Meeting.

Date: February 4, 2014.

Time: 8:30 a.m. to 5:00 p.m. *Eastern Time*—Approximate end time.

Agenda: The meeting will feature invited speakers and discussions of Committee business items including the National Pain Strategy, a searchable data base for the Federally-funded pain research portfolio, and opportunities for partnerships in pain research.

Place: National Institutes of Health, Building 31, C Wing, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Conference Call: Dial: 888–790–2053.

Participant Passcode: 1866472.

Cost: The meeting is free and open to the public.

Webcast Live: http://videocast.nih.gov/.

Registration: http://iprcc.nih.gov/.

Deadlines: Notification of intent to present oral comments: Friday, January 24, 2014, by 5:00 p.m. E.T.

Submission of written/electronic statement for oral comments: Tuesday, January 28, 2014, by 5:00 p.m. E.T.

Submission of written comments: Thursday, January 30, 2014, by 5:00 p.m. E.T.

Access: Medical Center Metro (Red Line). Visitor Information: *http://www.nih.gov/about/visitor/index.htm.*

Contact Person: Linda L. Porter, Ph.D., Pain Policy Advisor, Office of Pain Policy, Officer of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A03, Bethesda, MD 20892, *Phone:* (301) 496–9271, *Email:* IPRCC *PublicInquiries@mail.nih.gov.*

Please Note. Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Friday, January 24, 2014, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral statement/comments including a brief description of the organization represented by 5:00 p.m. ET on Tuesday, January 28, 2014.

Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments on behalf of that organization, and presentations will be limited to three to five minutes per speaker, depending on number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline. If special accommodations are needed, please email the Contact Person listed above.

In addition, any interested person may submit written comments to the IPRCC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET, Thursday, January 30, 2014. The comments should include the name and, when applicable, the business or professional affiliation of the interested person. All written comments received by the deadlines for both oral and written public comments will be provided to the IPRCC for their consideration and will become part of the public record.

The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the conference call or webcast, please call Operator Service on (301) 496–4517 for conference call issues and the NIH IT Service Desk at (301) 496–4357, toll free (866) 319–4357, for webcast issues.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least seven days prior to the meeting.

As a part of security procedures, attendees should be prepared to present a photo ID during the security process to get on the NIH campus. For a full description, please see: *http://www.nih.gov/about/visitorsecurity.htm.*

Information about the IPRCC is available on the Web site; *http://iprcc.nih.gov/.*

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30399 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; TBI Legacy Data for FITBIR.

Date: January 6, 2014.

Time: 3:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

December 17, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30407 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Renal Supportive Care Studies.

Date: January 8, 2014.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30402 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c) (4) and 552b(c) (6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Small Business Development of New Methods for Mitral Valve Repair.

Date: January 10, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291, *stephanie.webb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30395 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: January 10, 2014.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, Ph.D., Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS).

Dated: December 17, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30405 Filed 12–20–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–1038]

Notice of Statute of Limitations on Claims; Notice of Final Federal Agency Action on the Interstate 5 Bridge across the Columbia River

AGENCY: Coast Guard, DHS.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: This notice announces the Coast Guard's final action on the issuance of a Coast Guard bridge permit, adoption of the bridge related portions of the Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) prepared Final Environmental Impact Statement (FEIS) and issuance of a Record of Decision (ROD) for the Interstate 5 bridge across the Columbia River between Vancouver, Washington and Portland, Oregon.

DATES: A claim seeking judicial review of the Coast Guard's action on the Columbia River Crossing project will be barred unless the claim is filed on or before May 22, 2014.

FOR FURTHER INFORMATION CONTACT: Brian Dunn, Chief, Office of Bridge Programs, Commandant (CG–BRG), Attn: Office of Bridge Programs, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr Ave, SE., Washington, DC 20593–7418, available 8 a.m.–4 p.m., EST, Monday through Friday, except Federal holidays, phone number (202) 372–1511 or email: *brian.dunn@uscg.mil.*

SUPPLEMENTARY INFORMATION: This notice is issued under the authority of the Freedom of Information Act, 5 U.S.C. 552(a).

Notice is hereby given that the Coast Guard, under its General Bridge Act of 1946 permit authority, 33 U.S.C. 525–533, has taken final agency action(s) subject to 23 U.S.C. 139(l)(1) by issuing a bridge permit. In addition, and in accordance with the National Environmental Policy Act (NEPA), the Coast Guard also adopted the bridge related portions of the FHWA/FTA prepared FEIS and issued a ROD. The project involves replacing the I–5 bridge across navigable waters of the United States by replacing the existing lift bridge with a fixed bridge. As a structure over navigable waters of the United States, the proposed bridge requires a Coast Guard bridge permit. The Coast Guard issued a bridge permit on September 27, 2013 for the proposed new fixed bridge. FHWA and FTA were

lead federal agencies under NEPA for this project. The Coast Guard was a cooperating agency under NEPA and adopted the bridge related portions of the FHWA/FTA FEIS and issued a ROD on September 27, 2013. The actions by the co-lead Federal agencies, and the laws under which such actions were taken, are described in the FHWA/FTA FEIS published in the **Federal Register** on September 23, 2011, FR Doc. # 2011–24504, page 59125, and in the FHWA/FTA ROD issued on December 7, 2011. The FHWA/FTA Notice of Limitation on Claims was published in the **Federal Register** on January 5, 2012, FR Doc. # 2011–33784, pages 531–532, by the FHWA and FTA regarding environmental actions taken by those agencies.

This notice applies to the Coast Guard's decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* General Bridge Act of 1946 (33 U.S.C. 525–533); National Environmental Policy Act (42 U.S.C. 4321–4347); Federal-Aid Highway Act (23 U.S.C. 109); the Federal transit statutes (49 U.S.C. Chapter 53).

2. *Air:* Clean Air Act, as amended (42 U.S.C. 7401–7671(q)).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303); Landscaping and Scenic Enhancement (Wildflowers) (23 U.S.C. 319).

4. *Wildlife:* Endangered Species Act (16 U.S.C. 1531–1544); Anadromous Fish Conservation Act (16 U.S.C. 757(a)–757(f)); Fish and Wildlife Coordination Act (16 U.S.C. 661–667(e)); Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.*); Migratory Bird Treaty Act (16 U.S.C. 703–712).

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f); Archaeological Resources Protection Act of 1977 (16 U.S.C. 470aa–470mm); Archaeological and Historic Preservation Act (16 U.S.C. 469–469c–2); Native American Grave Protection and Repatriation Act (25 U.S.C. 3001–3013).

6. *Social and Economic:* Civil Rights Act of 1964 (42 U.S.C. 2000(d)–2000(d)(1)); American Indian Religious Freedom Act (42 U.S.C. 1996); Farmland Protection Policy Act (7 U.S.C. 4201–4209); the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 61).

7. *Wetlands and Water Resources:* Sections 319, 401, and 404 of the Clean Water Act, 33 U.S.C. 1251–1377; Coastal Zone Management Act (16 U.S.C. 1451–1465); Land and Water Conservation Fund (16 U.S.C. 4601–4–4601–11); Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); Rivers and Harbors Act of 1899 (33 U.S.C. 401–406); TEA–21 Wetlands Mitigation (23 U.S.C. 103(b)(6)(m), 133(b)(11)); Flood Disaster Protection Act (42 U.S.C. 4001–4129).

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Nothing in this notice creates a cause of action under these executive orders.

Dated: December 17, 2013.

Brian L. Dunn,

Chief, Office of Bridge Programs, U.S. Coast Guard.

[FR Doc. 2013–30380 Filed 12–20–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0053; OMB No. 1660–0036]

Agency Information Collection Activities: Proposed Collection; Comment Request, Federal Emergency Management Agency Individual Assistance Customer Satisfaction Surveys

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of Individual Assistance customer satisfaction survey responses and information for assessment and improvement of the delivery of disaster assistance to individuals and households.

DATES: Comments must be submitted on or before February 21, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2013–0053. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Maggie Billing, Program Analyst, Customer Satisfaction Analysis Section of the National Processing Service Center Division, Recovery Directorate, (940) 891–8709. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: This collection is in accordance with Executive Orders 12862 and 13571 requiring all Federal agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The Government Performance and Results Act (GPRA) requires Federal agencies to set missions and goals and to measure agency performance against them. The GPRA Modernization Act of 2010 requires quarterly performance assessments of government programs for the purposes of assessing agency

performance and improvement. The Federal Emergency Management Agency fulfills these requirements by collecting customer satisfaction program information through surveys of individuals and households who are disaster survivors.

Collection of Information

Title: Federal Emergency Management Agency Individual Assistance Customer Satisfaction Surveys.

Type of Information Collection: Revision of a currently approved information collection.

FEMA Forms: FEMA Form 007–0–7, Disaster Recover Center Survey; FEMA Form 007–0–3, Registration Survey; FEMA Form 007–0–5, Helpline/Contact Survey; FEMA Form 007–0–6, Casework Survey; FEMA Form 007–0–2, Internet Registration Survey; FEMA Form 007–0–2INT, Internet Registration Survey; FEMA Form 007–0–19, Internet Registration Survey; FEMA Form 007–019INT, Internet Inquire Survey; FEMA Form 007–0–4, Direct Housing Operations Survey-Move In; FEMA Form 007–0–21, Direct Housing Operations Survey-Maintenance; FEMA Form 007–0–22, Direct Housing Operations Survey-Move Out.

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. FEMA managers use the survey results to measure performance against standards for performance and customer service, to measure achievement of strategic planning objectives, and to gauge and make improvements to disaster service that increase customer satisfaction.

Affected Public: Individuals and Households.

Number of Respondents: 66,779.

Number of Responses: 66,779.

Estimated Total Annual Burden Hours: 9,781.

Estimated Cost: The estimated cost to respondents for traveling is estimated to be $24,408.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: December 11, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–30507 Filed 12–20–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0055; OMB No. 1660–0016]

Agency Information Collection Activities: Proposed Collection; Comment Request; Revision to National Flood Insurance Program Maps: Application Forms and Instructions for LOMRs and CLOMRs

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning information required by FEMA to revise National Flood Insurance Program Maps.

DATES: Comments must be submitted on or before February 21, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *http://www.regulations.gov* under Docket ID FEMA–2013–0055. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street, SW., Room 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stuart Rooney, Program Specialist, Federal Insurance and Mitigation Administration, DHS/FEMA, 202–646–1643. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) is authorized by the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 et seq. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) and maintains the maps that depict flood hazard information. In 44 CFR 65.3, communities are required to submit technical information concerning flood hazards and plans to avoid potential flood hazards when physical changes occur. In 44 CFR 65.4, communities are provided the right to submit technical information when inconsistencies on maps are identified. In order to revise the Base (1-percent annual chance) Flood Elevations (BFEs), Special Flood Hazard Areas (SFHAs), and floodways presented on the NFIP maps, a community must submit scientific or technical data demonstrating the need for a revision. The NFIP regulations cited in 44 CFR Part 65 outline the data that must be submitted for these requests. This collection serves to provide a standard format for the general information requirements outlined in the NFIP regulations, and helps establish an organized package of the data needed to revise NFIP maps.

Collection of Information

Title: Revision to National Flood Insurance Program Maps: Application Forms and Instructions for LOMRs and CLOMRs.

Type of Information Collection: Revision of a currently approved information collection.

FEMA Forms: FEMA Form 086–0–27, Overview and Concurrence form; FEMA

Form 086–0–27A, Riverine Hydrology and Hydraulics Form; FEMA Form 086–0–27B, Riverine Structures Form; FEMA Form 086–0–27C, Coastal Analysis Form; FEMA Form 086–0–27D, Coastal Structures Form; FEMA Form 086–0–27E, Alluvial Fan Flooding Form.

Abstract: The forms in this information collection are used to determine if the collected data will result in the modification of Base Flood Elevations (BFEs), Special Flood Hazard Area (SFHA), or floodway. Once the information is collected, it is submitted to FEMA for review and is subsequently included on the National Flood Insurance Program (NFIP) maps. Using these maps, lenders will determine the application of the mandatory flood insurance purchase requirements, and insurance agents will determine actuarial flood insurance rates.

Affected Public: State, Local and Tribal Government and business or other for-profit institutes.

Number of Respondents: 3,520.

Number of Responses: 4,620.

Estimated Total Annual Burden Hours: 16,060.

Estimated Cost: The cost to developers for engineer's services include scoping, surveying cross-sections, developing hydrologic and hydraulic analysis, and preparing work maps and reports documenting the engineering analysis and results is estimated to be $19,800,000.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: December 11, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–30432 Filed 12–20–13; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0054; OMB No. 1660–0015]

Agency Information Collection Activities: Proposed Collection; Comment Request; Revisions to National Flood Insurance Program Maps: Application Forms and Instructions for (C)LOMAs and (C)LOMR-Fs

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning information required by the Federal Emergency Management Agency to amend or revise National Flood Insurance Program maps to remove certain property from the 1-percent annual chance floodplain.

DATES: Comments must be submitted on or before February 21, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *http://www.regulations.gov* under Docket ID FEMA–2013–0054. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stuart Rooney, Program Specialist, Federal Insurance and Mitigation Administration, DHS/FEMA, 202–646–1643. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) is authorized by the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 et seq. The Federal Emergency Management Agency (FEMA) administers the NFIP and maintains the maps that depict flood hazard information. The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. If a SFHA has been determined to exist for property and the owner or lessee of the property believes his/her property has been incorrectly included in a SFHA, information can be provided to support removal of the SFHA designation. NFIP regulations, at 44 CFR parts 65 and 70, outline the data that must be submitted by an owner or lessee of property who believes his/her property has been incorrectly included in a SFHA. In order to remove an area from a SFHA, the owner or lessee of the property must submit scientific or technical data demonstrating that the area is "reasonably safe from flooding" and not in the SFHA.

Collection of Information

Title: Revisions to National Flood Insurance Program Maps: Application Forms and Instructions for (C)LOMAs and (C)LOMR-Fs.

Type of Information Collection: Revision of a currently approved information collection.

FEMA Forms: FEMA Form 086–0–26, Property Information; FEMA Form 086–0–26A, Elevation Form; FEMA Form 086–0–26B, Community Acknowledgement Form; FEMA Form 086–0–22 and FEMA Form 086–0–22A (Spanish), Application Form for Single Residential Lot or Structure

Amendments to National Flood Insurance Program Maps.

Abstract: FEMA collects scientific and technical data submissions to determine whether a specific, single-lot property is located within or outside of a SFHA. If the property is determined not to be within a SFHA, FEMA provides a written determination and the appropriate map is modified by a Letter of Map Amendment (LOMA) or a Letter of Map Revision—Based on Fill. (LOMR–F). The owner or lessee of a property uses a LOMA or LOMR–F to show that a property is not flood prone, making it possible for the lending institution to waive the flood insurance requirement. If insurance is carried for the property, the new determination should result in significantly lower rates.

Affected Public: Individuals and households; and business or other for-profit institutes.

Number of Respondents: 97,503.

Number of Responses: 97,503.

Estimated Total Annual Burden Hours: 150,725.

Estimated Cost: The property owner is required to hire a surveyor or engineer at an average cost of $450 to provide certified elevation data. Therefore the total annual cost burden to respondents is estimated to be $47,465,100.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: December 11, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–30431 Filed 12–20–13; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]; [Internal Agency Docket No. FEMA–B–1352]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before March 24, 2014.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1352, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

I. Non-watershed-based studies:

Community	Community Map Repository Address
City of Virginia Beach, Virginia (Independent City)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Virginia Beach	Department of Public Works, 2405 Courthouse Drive, Municipal Center Building #2, Virginia Beach, VA 23456.
New Castle County, Delaware, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Delaware City	City Hall, 407 Clinton Street, Delaware City, DE 19706.
City of New Castle	Public Works Building, 900 Wilmington Road, New Castle, DE 19720–3638.
City of Wilmington	Department of Licensing and Inspection, 800 North French Street, Wilmington, DE 19801.
Town of Middletown	Town Hall, 19 West Green Street, Middleton, DE 19709.
Town of Odessa	Town Hall, 315 Main Street, Odessa, DE 19730.
Town of Townsend	Town Hall, 661 South Street, Townsend, DE 19734.
Unincorporated Areas of New Castle County	New Castle County Land Use Department, 87 Reads Way, New Castle, DE 19720.
Sussex County, Delaware, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Lewes	City Hall, 114 East 3rd Street, Lewes, DE 19958.
City of Milford	Planning Department, 201 South Walnut Street, Milford, DE 19963.
City of Rehoboth Beach	Building and Licensing Department, 306 Rehoboth Avenue, Rehoboth Beach, DE 19971.
City of Seaford	City Hall, 414 High Street, Seaford, DE 19973.
Town of Bethany Beach	Building Inspector's Office, 214 Garfield Parkway, Bethany Beach, DE 19930.
Town of Bethel	Secretary's Residence, 908 West Street, Bethel, DE 19931.
Town of Blades	Town Hall, 20 West Fourth Street, Blades, DE 19973.
Town of Bridgeville	Town Hall, 101 North Main Street, Bridgeville, DE 19933.
Town of Dagsboro	Town Hall, 33134 Main Street, Dagsboro, DE 19939.
Town of Dewey Beach	Town Hall, 105 Rodney Avenue, Dewey Beach, DE 19971.
Town of Fenwick Island	Building Department, 800 Coastal Highway, Fenwick Island, DE 19944.
Town of Greenwood	Town Hall, 100 West Market Street, Greenwood, DE 19950.
Town of Henlopen Acres	Henlopen Acres Town Hall, 104 Tidewater Road, Rehoboth Beach, DE 19971.
Town of Laurel	Code Enforcement Office, 201 Mechanic Street, Laurel, DE 19956.
Town of Millsboro	Town Center, 322 Wilson Highway, Millsboro, DE 19966.
Town of Millville	Town Hall, 36404 Club House Road, Millville, DE 19967.
Town of Milton	Town Hall, 115 Federal Street, Milton, DE 19968.
Town of Ocean View	Wallace A. Melson Municipal Building, 201 Central Avenue, 2nd Floor, Ocean View, DE 19970.
Town of Slaughter Beach	Town Office, 357 Bay Avenue, Slaughter Beach, DE 19963.
Town of South Bethany	Town Hall, 402 Evergreen Road, South Bethany, DE 19930.
Unincorporated Areas of Sussex County	Sussex County Planning and Zoning Department, 2 The Circle, Georgetown, DE 19947.
Anne Arundel County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Annapolis	Department of Neighborhood and Enivornmental Programs, 145 Gorman Street, Annapolis, MD 21401.
Town of Highland Beach	Town Hall, 3243 Walnut Drive, Highland Beach, MD 21403.
Unincorporated Areas of Anne Arundel County	Anne Arundel County Department of Inspections and Permits, 2664 Riva Road, Annapolis, MD 21401.
Caroline County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Denton	Municipal Offices Building, 13 North 3rd Street, Denton, MD 21629.
Town of Federalsburg	Town Hall, 118 North Main Street, Federalsburg, MD 21632.

Community	Community Map Repository Address
Town of Goldsboro	Town Hall, 505 Old Town Road, Goldsboro, MD 21636.
Town of Greensboro	Town Hall, 111 South Main Street, Greensboro, MD 21639.
Town of Henderson	Town Hall, 318 Henderson Road, Henderson, MD 21640.
Town of Hillsboro	Town of Hillsboro, 22043 Church Street, Hillsboro, MD 21641.
Town of Preston	Town Hall, 105 Backlanding Road, Preston, MD 21655.
Unincorporated Areas of Caroline County	Caroline County Department of Planning and Codes, Health & Public Services Building, 403 South 7th Street, Suite 210, Denton, MD 21629.
Charles County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Indian Head	Town Hall, 4195 Indian Head Highway, Indian Head, MD 20640.
Unincorporated Areas of Charles County	Charles County Department of Planning and Growth Management, 200 Baltimore Street, La Plata, MD 20646.
Somerset County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Crisfield	City Hall, 319 West Main Street, Crisfield, MD 21817.
Town of Princess Anne	Town Hall, 30489 Broad Street, Princess Anne, MD 21853.
Unincorporated Areas of Somerset County	Somerset County Department of Technical and Community Services, 11916 Somerset Avenue, Suite 211, Princess Anne, MD 21853.
Centre County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Township of Benner	Benner Township Office, 1224 Buffalo Run Road, Bellefonte, PA 16823.
Essex County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Tappahannock	Town Office, 915 Church Lane, Tappahannock, VA 22560.
Unincorporated Areas of Essex County	Essex County Building and Zoning Department, 202 South Church Lane, Tappahannock, VA 22560.
Northumberland County, Virginia (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Northumberland County (All Jurisdictions)	Northumberland County Building and Zoning Department, 72 Monument Place, Heathsville, VA 22473.
Richmond County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Richmond County	Richmond County Administrator's Office, 101 Court Circle, Warsaw, VA 22572.
Surry County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Claremont	Municipal Building, 4115 Spring Grove Road, Claremont, VA 23899.
Unincorporated Areas of Surry County	Surry County Government Center, 45 School Street, Surry, VA 23883.
Westmoreland County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Colonial Beach	Building and Zoning Office, 905 McKinney Boulevard, Colonial Beach, VA 22443.
Unincorporated Areas of Westmoreland County	Westmoreland County Land Use Administration, 111 Polk Street, Montross, VA 22520.
York County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	

Community	Community Map Repository Address
Unincorporated Areas of York County	York County Computer Support Services, 120 Alexander Hamilton Boulevard, Yorktown, VA 23690.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: November 20, 2013.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–30506 Filed 12–20–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Pipeline System Operator Security Information

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0055, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on August 16, 2013, 78 FR 50077. Specifically, the collection involves the submission of contact information for a pipeline company's primary and alternate security manager and the telephone number of the security operations or control center, as well as data concerning pipeline security incidents.

DATES: Send your comments by January 22, 2014. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–3651; email *TSAPRA@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Pipeline System Operator Security Information.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0055.

Forms(s): NA.

Affected Public: Pipeline system operators.

Abstract: OMB Control Number 1652–0055; Pipeline Operator Security Information. Under the Aviation and Transportation Security Act (ATSA) (Pub. L. 107–71, 115 Stat. 597 (November 19, 2001)) and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for "security in all modes of transportation * * * including security responsibilities * * * over modes of transportation that are exercised by the Department of Transportation." As the lead Federal agency for pipeline security, it is important for TSA to have contact information for company security managers and knowledge of security incidents and suspicious activity within the mode. This issue was addressed in the TSA Pipeline Security Guidelines developed in consultation with TSA's Federal partners and relevant industry stakeholders. Additionally, to facilitate the exchange of security information in a timely fashion, contact data is necessary for pipeline operators' security operations or control centers.

Number of Respondents: 3340.

Estimated Annual Burden Hours: An estimated 845 hours annually.

Dated: December 17, 2013.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2013–30526 Filed 12–20–13; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Documents Required Aboard Private Aircraft

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0058.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Documents Required Aboard Private Aircraft. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507).

DATES: Written comments should be received on or before February 21, 2014, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and

Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC. 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Documents Required Aboard Private Aircraft

OMB Number: 1651–0058

Form Number: None

Abstract: In accordance with 19 CFR 122.27, a commander of a private aircraft arriving in the U.S. must present several documents to CBP officers for inspection. These documents include: 1) a pilot certificate/license; 2) a medical certificate; and 3) a certificate of registration, which is also called a "pink slip" and is a duplicate copy of the Aircraft Registration Application (FAA Form AC 8050–1). The information on these documents is used by CBP officers as an essential part of the inspection process for private aircraft arriving from a foreign country. These requirements are authorized by 19 U.S.C. 1433, as amended by Public Law 99–570.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours.

Type of Review: Extension (with change)

Affected Public: Individuals

Estimated Number of Respondents: 120,000

Estimated Number of Annual Responses: 120,000

Estimated Time per Response: 1 minute

Estimated Total Annual Burden Hours: 1,992

Dated: December 18, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–30475 Filed 12–20–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2013–N216; FXES11130600000–145–FF06E00000]

Endangered and Threatened Wildlife and Plants; Revised Recovery Plan for the Black-Footed Ferret

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a revised recovery plan for the black-footed ferret (*Mustela nigripes*). This species is federally listed as endangered under the Endangered Species Act of 1973, as amended (Act).

ADDRESSES: Electronic copies of the recovery plan are available online at *http://www.fws.gov/endangered/species/recovery-plans.html*. Paper copies of the revised recovery plan are available by request from the National Black-footed Ferret Conservation Center, U.S. Fish and Wildlife Service, P.O. Box 190, Wellington, CO 80549; telephone 970–897–2730.

FOR FURTHER INFORMATION CONTACT: Pete Gober, National Black-footed Ferret Recovery Coordinator, at the above address or telephone (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Recovering an endangered or threatened animal or plant to the point where it is again a secure, sustainable member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service prepares recovery plans for the federally listed species native to the United States where a plan will promote the conservation of the species. Recovery plans describe site-specific actions necessary for the conservation of the species; establish objective, measurable criteria which, when met, would result in a determination that the species no longer needs the protection of the Act (16 U.S.C. 1531 *et seq.*); and provide estimates of the time and cost for implementing the needed recovery measures.

The Act requires recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f)(4) of the Act requires that public notice and opportunity for public review and comment be provided during recovery plan development. We made the draft recovery plan available for public comment and peer review from April 23, 2013, to June 24, 2013 (78 FR 23948). We have considered all information received during the public comment and peer review period in the preparation of the final revised recovery plan for the black-footed ferret. The Service and other Federal agencies will take these comments and reviews into consideration in the course of implementing the final approved recovery plan for the black-footed ferret. In this final revised plan, we have summarized and responded to the issues raised by both the public and the requested peer reviewers in an appendix to the plan, and incorporated changes to the plan as appropriate.

The black-footed ferret (*Mustela nigripes*) was historically found throughout the Great Plains, mountain basins, and semi-arid grasslands of North America wherever prairie dogs occurred. The species was listed as endangered in 1967 (32 FR 4001, March 11, 1967) under the Endangered Species Preservation Act of 1966 and again in 1970 under the Endangered Species Conservation Act of 1969 (35 FR 8491, June 2, 1970). On January 4, 1974, the black-footed ferret was listed under the Endangered Species Act of 1973 (39 FR 1171). The ferret's close association with prairie dogs was an important factor in the ferret's decline. From the late 1800s to approximately the 1960s, prairie dog-occupied habitat and prairie dog numbers were dramatically reduced by the effects of both temporal and permanent habitat loss caused by conversion of native grasslands to cropland, poisoning, and disease. The ferret population declined precipitously as a result.

The recovery of the black-footed ferret will be achieved by establishing a number of ferret populations where appropriate habitat exists and by

ameliorating threats impacting the species so as to allow the ferret's persistence. Although ferret habitat has been dramatically reduced from historical times, a sufficient amount remains if its quality and configuration is appropriately managed. This management, for the most part, is likely to be conducted by State, Tribal, and Federal fish and wildlife and land management agencies. Additionally, private parties, including landowners and conservation organizations, are key for ferret recovery. Many partners contributing to ferret recovery in many places will help minimize the risk of a significant loss of wild populations.

Specifically, recovery of black-footed ferrets will depend upon: (1) Continued efforts of captive breeding facilities to provide suitable animals for release into the wild; (2) conservation of prairie dog habitat adequate to sustain ferrets in several populations distributed throughout their historical range; and (3) management of sylvatic plague. The single, most feasible action that would benefit black-footed ferret recovery is to improve prairie dog conservation. If efforts are undertaken to more proactively manage existing prairie dog habitat for ferret recovery, all other threats to the species will be substantially less difficult to address. Downlisting of the black-footed ferret could be accomplished in approximately 10 years if conservation actions continue at existing reintroduction sites and if additional reintroduction sites are established. Delisting will be possible if more intensive reintroduction efforts are conducted.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 8, 2013.

Matt Hogan,

Acting Regional Director, Denver, CO.

[FR Doc. 2013–30481 Filed 12–20–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000.A0E501010.999900]

Renewal of Agency Information Collection for No Child Left Behind Act Implementation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the No Child Left Behind Act authorized by OMB Control Number 1076–0163. This information collection expires March 31, 2014.

DATES: Submit comments on or before February 21, 2014.

ADDRESSES: You may submit comments on the information collection to Jeffrey Hamley, Bureau of Indian Education, Division of Performance and Accountability, 1011 Indian School Road, NW., Suite 332, Albuquerque, NM 87104; facsimile: (505) 563–5281; email: *Jeffrey.Hamley@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Hamley, telephone: (505) 563–5255.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIE is seeking renewal of the approval for the information collection conducted under 25 CFR parts 30, 37, 39, 42, 44, and 47 under OMB Control Number 1076–0163. This information collection is necessary to implement Public Law 107–110, No Child Left Behind Act of 2001 (NCLB). The NCLB requires all schools, including Bureau-funded and operated schools, to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. The BIE has promulgated several regulations implementing the NCLB Act. This OMB Control Number addresses the following regulations.

- 25 CFR part 30—Adequately Yearly Progress (AYP). Tribes/school boards may request an alternative to the established AYP definition or standards. Tribes/school boards may provide evidence that BIE made an error in identifying the school for improvement. Achievement, attendance and graduation rates are collected from schools to facilitate yearly calculation of AYP.
- 25 CFR part 37—Geographic Boundaries. This part establishes procedures for confirming, establishing, or revising attendance areas for each Bureau-funded and operated school. Tribes and school boards must submit certain information to BIE to propose a change in geographic boundaries.
- 25 CFR part 39—Indian School Equalization Program (ISEP). This part provides for the uniform direct funding of Bureau-operated and tribally operated day schools, boarding schools, and dormitories. Auditors of schools, to ensure accountability in student counts and student transportation, must certify that they meet certain qualifications and have conducted a conflict of interest check. Schools must submit information to BIE to apply for funds in the event of an emergency or unforeseen contingency.
- 25 CFR part 42—Student Rights. The purpose of this part is to govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded and operated schools. This part requires all the school to provide notice of disciplinary charges, provide a copy of the hearing of record, and provide a student handbook.
- 25 CFR part 44—Grants under the Tribally Controlled Schools Act. The purpose of this part is to establish who is eligible for a grant and requires tribes to submit information to BIE to retrocede a program to the Secretary.
- 25 CFR part 47—Uniform Direct Funding and Support for Bureau-operated Schools. This part contains the requirements for developing local educational financial plans in order to receive direct funding from the Bureau. This part requires school supervisors to submit quarterly reports to school boards; submit a notice of appeal to the BIE for a decision where agencies disagree over expenditures; make certain certifications in financial plans; and send the plan and documentation to the BIE or submit a notice of appeal.

There are no forms associated with collection. No third party notification or public disclosure burden is associated with this collection.

II. Request for Comments

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the

location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0163.

Title: No Child Left Behind.

Brief Description of Collection: Pursuant to NCLB implementing regulations, Bureau-funded and operated schools must provide certain information if they wish to use alternative AYP standards, change their geographic boundaries, obtain contingency funds, retrocede a program, or obtain direct funding from the Bureau through submission of a local educational financial plan. For these items, a response is requires to obtain a benefit (continued supplementary program funding). In addition, all Bureau-funded and operated schools must provide students with written notice of disciplinary charges, a copy of the hearing record, and student handbook. These items are mandatory information collections.

Type of Review: Extension without change of currently approved collection.

Respondents: Bureau-funded and operated schools.

Number of Respondents: 183.

Number of Responses: 14,554.

Frequency of Response: Quarterly, annually, or on occasion, depending on the item.

Estimated Time per Response: Ranges from 1 hour to 480 hours.

Estimated Total Annual Hour Burden: 37,355 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: December 13, 2013.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2013–30583 Filed 12–20–13; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000. A0E501010.999900]

Renewal of Agency Information Collection for IDEIA Part B and C Child Count

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Individuals with Disabilities Education Improvement Act (IDEIA) Part B and C Child Count authorized by OMB Control Number 1076–0176. This information collection expires May 31, 2014.

DATES: Submit comments on or before February 21, 2014.

ADDRESSES: You may submit comments on the information collection Sue Bement, Bureau of Indian Education, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104–1088, fax: (505) 563–5281 or email: *sue.bement@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Sue Bement, telephone: (505) 563–5275.

SUPPLEMENTARY INFORMATION:

I. Abstract

The IDEIA, 20 U.S.C. 1411(h)(4)(c) and 1443(b)(3) require tribes and tribal organizations to submit certain information to the Secretary of the Interior. Under the IDEIA, the U.S. Department of Education provides funding to the Secretary of the Interior for the coordination of assistance for special education and related services for Indian children aged 0 to 5 with disabilities on reservations served by Bureau-funded schools. The Secretary of the Interior, through the BIE, then allocates this funding to tribes and tribal organizations based on the number of such children served. In order to allow the Secretary of the Interior to determine what amounts to allocate to whom, the IDEIA requires tribes and tribal organizations to submit information to Interior. The BIE collects this information on two forms, one for Indian children aged 3 to 5 covered by IDEIA Part B, and one for Indian children aged 0 to 2 covered by IDEIA Part C.

In IDEIA Part B—Assistance for Education of All Children with Disabilities, 20 U.S.C. 1411(h)(4)(D) requires tribes to and tribal organizations to use the funds to assist in child find, screening, and other procedures for the early identification of Indian children aged 3 through 5, parent training, and the provision of direct services. In IDEIA Part C—Infants and Toddlers with Disabilities, 20 U.S.C. 1443(b)(4) likewise requires tribes and tribal organizations to use the fund to assist in child find, screening, and other procedures for early identification of Indian children under 3 years of age and for parent training, and early intervention services.

II. Request for Comments

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0176.

Title: IDEIA Part B and Part C Child Count.

Brief Description of Collection: Indian Tribes and Tribal organizations served by elementary or secondary schools for Indian children operated or funded by the Departments of the Interior that receive allocations of funding under the IDEIA for the coordination of assistance for Indian children 0 to 5 years of age with disabilities on reservations must submit information to the BIE. The

information must be provided on two forms. The Part B form addresses Indian children 3 to 5 years of age on reservations served by Bureau-funded schools. The Part C form addresses Indian children up to 3 years of age on reservations served by Bureau-funded schools. The information required by the forms includes counts of children as of a certain date each year. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian Tribes and Tribal organizations.

Number of Respondents: 61 each year.

Frequency of Response: Twice (Once per year for each form).

Estimated Time per Response: 20 hours per form.

Estimated Total Annual Hour Burden: 2,440 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: December 13, 2013.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2013–30582 Filed 12–20–13; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML00000 L14300000.FR0000 NMNM 037574]

Notice of Realty Action: Recreation and Public Purposes Act Classification of Public Land in Sierra County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined 30.12 acres of public land in Sierra County, New Mexico, and found them suitable for classification for conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended. A closed landfill currently exists on the property under an R&PP Act lease, and the City of Truth or Consequences proposes to continue its use for the existing landfill. The land is not needed for any Federal purpose and is encumbered by an existing landfill. A conveyance would allow the City of Truth or Consequences to continue monitoring the landfill in accordance with the approved closure plan.

DATES: Interested parties may submit comments regarding the proposed conveyance or classification of the land until February 6, 2014.

ADDRESSES: You may submit comments by any of the following methods:

- *Email: blm_nm_lcdo_comments@blm.gov.*
- *Fax:* 575–525–4412, Attention: Kendrah Penn.
- *Mail or personal delivery:* Kendrah Penn, City of T or C Landfill Project Lead, BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005.

Documents pertinent to this proposal may be examined at the Las Cruces District Office at the above address.

FOR FURTHER INFORMATION CONTACT: Kendrah Penn, Realty Specialist, at the above address or by telephone at 575–525–4382 or email at *kpenn@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In accordance with Section 7 of the Taylor Grazing Act, (43 U.S.C. 315f), and Executive Order No. 6910, the following described public land in Sierra County, New Mexico, has been examined and found suitable for classification for conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*):

New Mexico Principal Meridian, New Mexico

T. 13 S., R. 4 W.,
Sec. 22, lot 3.
The area described contains 30.12 acres.

The described public land was previously classified for lease under the R&PP Act on August 14, 1959, and was leased to the City of Truth or Consequences on March 20, 1961.

The landfill was closed in 1974 and has continued to be closed to municipal waste disposal since the date of closure. Throughout the years, the City of Truth or Consequences has maintained the area as a closed landfill in anticipation that any future development of the property would not conflict with the approved landfill closure plan. In accordance with the R&PP Act of June 14, 1926, as amended, the City of Truth or Consequences filed an application for purchase of the above-described 30.12 acres of public land. The land is not needed for any Federal purpose. The conveyance is consistent with the White Sands Resource Management Plan, dated October 1986, and would be in the public's interest. The patent, if issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, including, but not limited to the provisions at 43 CFR part 2743. The conveyance, when issued, will contain the following terms, conditions, and reservations to the United States:

1. Reservation of rights-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Reservation of all the mineral deposits in the lands so patented, and the right of the United States, or persons authorized by the United States, to prospect for, mine, and remove such deposits from the same under applicable laws and regulations as the Secretary of the Interior may prescribe.

3. The patent will be subject to all valid existing rights documented on official public land records at the time of patent issuance.

4. No portion of the land patented shall revert back to the United States under any circumstance. In addition, the patentee will comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR part 302) and indemnify the United States against any legal liability or future costs that may arise out of any violation of such laws.

5. The above described land has been used for solid waste disposal. Solid waste commonly includes small quantities of commercial hazardous waste and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901) and defined in 40 CFR 261.4 and 271.5. Although there is no indication these materials pose any significant risk to human health, or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements.

6. The purchaser (patentee), by accepting a patent, covenants and agrees to indemnify, defend and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or its employees, agents, contractors, lessees, or any third party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless

agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by Federal or State environmental laws of, on, into or under land, property and other interests of the United States; (5) Other activities by which solid waste or hazardous substance(s) or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substance(s) or waste(s); or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcel of land patented or otherwise conveyed by the United States and may be enforced by the United States in a court of competent jurisdiction.

Conveyance of this land to the City of Truth Consequences is consistent with applicable Federal and county land use plans, and BLM policy.

On December 23, 2013, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a conveyance of a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision to convey under the R&PP Act, or any other factor not directly related to the suitability of the land for use as an existing landfill.

The public may submit comments in writing directly to the BLM using one of the methods listed in the **ADDRESSES** section above. Comments should be submitted on or before February 6, 2014.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Any adverse comments will be reviewed by the BLM New Mexico State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective on February 21, 2014. The land will not be available for conveyance until after the classification becomes effective.

Authority: 43 CFR part 2740.

Bill Childress,

District Manager, Las Cruces.

[FR Doc. 2013–30485 Filed 12–20–13; 8:45 am]

BILLING CODE 4310–FB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–543]

Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy Submission of Questionnaire for OMB Review

AGENCY: United States International Trade Commission.

ACTION: Notice of submission of request for approval of a questionnaire to the Office of Management and Budget. This notice is being given pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Purpose of Information Collection: The information requested by the questionnaire is for use by the Commission in connection with investigation No. 332–543, *Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy*. The investigation was instituted under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) at the request of the House Committee on Ways and Means and the Senate Committee on Finance (the Committees). The Commission expects to deliver its report to the Committees by December 15, 2014.

Summary of Proposal

(1) *Number of forms submitted:* 1.

(2) *Title of form:* Trade, Investment, and Industrial Policies in India Questionnaire.

(3) *Type of request:* New.

(4) *Frequency of use:* Industry questionnaire, single data gathering, scheduled for 2014.

(5) *Description of respondents:* Companies in the United States in industries particularly affected by Indian trade, investment, or industrial policies.

(6) *Estimated number of questionnaires to be mailed:* 9,000.

(7) *Estimated total number of hours to complete the questionnaire per respondent:* 12 hours.

(8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment: Copies of the questionnaire and supporting documents may be obtained from project leader William Powers (*william.powers@usitc.gov* or 202–708–5405) or deputy project leader Renee Berry (*renee.berry@usitc.gov* or 202–205–3498). Comments about the proposal should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revision or language changes. Copies of any comments should be provided to Andrew Martin, Chief Information Officer, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

General information concerning the Commission may also be obtained by accessing its Internet address (*http://www.usitc.gov*). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000.

Issued: December 17, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–30494 Filed 12–20–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–850]

Certain Electronic Imaging Devices; Notice of Commission Determination To Review-in-Part a Final Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in-part the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on September 30, 2013, finding a violation of Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 ("Section 337").

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 29, 2012, based on a complaint filed by Flashpoint Technology, Inc. ("Flashpoint") of Peterborough, New Hampshire alleging violations of Section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic imaging devices by reason of infringement of certain claims of U.S. Patent Nos. 6,504,575 ("the '575 patent"), 6,222,538 ("the '538 patent"), 6,400,471 ("the '471 patent"), and 6,223,190 ("the '190 patent"). The notice of investigation named the following respondents: HTC Corporation of Taoyuan, Taiwan and HTC America, Inc. of Bellevue, Washington (collectively, "HTC"); Pantech Co., Ltd. of Seoul, Republic of Korea and Pantech Wireless, Inc. of Atlanta, Georgia (collectively, "Pantech"); Huawei Technologies Co., Ltd. of Shenzhen, China; FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) of Plano, Texas (collectively "Huawei"); ZTE Corporation of Shenzhen, China; and ZTE (USA) Inc. of Richardson, Texas (collectively "ZTE"). The '575 patent and respondent Pantech have been terminated from the investigation. The Commission Office of Unfair Import Investigations did not participate in this investigation.

On September 30, 2013, the ALJ issued a final ID finding a violation of Section 337 by HTC. Specifically, the ALJ concluded that two of the accused HTC smartphones, *i.e.*, the HTC Vivid and HTC Droid Incredible 4G LTE, infringe the asserted claims of the '538 patent. The ALJ found, however, that none of the other accused HTC smartphones infringe the '538 patent and that none of the accused HTC, Huawei, or ZTE smartphones infringe the asserted claims of the '471 patent or the '190 patent. The ALJ found that the smartphones of Flashpoint's licensees [REDACTED] meet the technical prong of the domestic industry requirement with respect to the '538 patent, but that none of the licensed [REDACTED] smartphones meet the technical prong of the domestic industry requirement with respect to either the '471 or '190 patents. The ALJ found that Flashpoint established the economic prong of the domestic industry requirement under Sections 337(a)(3)(A), (B), and (C) with respect to all of the asserted patents. The ALJ also found that HTC has not established that the asserted patents are invalid in view of the prior art or the on-sale bar. The ALJ further found that the '190 and '538 patents are not unenforceable for failure to name an inventor.

On October 31, 2013, Flashpoint filed a petition for review, challenging the ALJ's determination with respect to: (1) The representativeness of the accused products for the '538 patent, (2) claim construction for the '471 patent, (3) non-infringement of the '471 patent, (4) non-infringement of the '190 patent, (5) technical prong for the '471 patent, and (6) technical prong for the '190 patent.

On the same day, respondents HTC, Huawei, and ZTE filed a joint petition for review, challenging the ALJ's determination with respect to: (1) Non-infringement of the '190 patent, (2) validity of the '190 patent for anticipation and obviousness, (3) validity of the '471 patent for anticipation and obviousness (4) technical prong for the '190 patent, and (5) economic prong with respect to all asserted patents. HTC filed a separate petition for review with respect to issues affecting only HTC, challenging the ALJ's determination with respect to (1) claim construction for the '538 patent, (2) infringement of the '538 patent, (3) validity of the '538 patent for anticipation and obviousness, (4) non-infringement of the '471 patent; (5) validity of the asserted patents with respect to the on-sale bar, and (6) enforceability of the asserted patents.

The Commission has determined to review the ALJ's findings regarding the following issues: (1) Infringement of the asserted claims of the '538 patent by the HTC Vivid and HTC Droid Incredible 4G LTE smartphones; (2) the technical prong of the domestic industry requirement for the '538 patent; (3) obviousness of the asserted claims of the '538 patent over U.S. Patent No. 5,835,772 to Thurlo ("Thurlo"), U.S. Patent No. 5,740,801 to Branson ("Branson"), the "Admitted Prior Art" ("APA"), U.S. Patent No. 5,638,501 to Gough *et al.* ("Gough"), and U.S. Patent No. 5,898,434 to Small ("Small"); (4) claim construction of the term "operating system" in the asserted claims of the '471 patent; (5) infringement of the '471 patent by the accused HTC, Huawei, and ZTE products; (6) the technical prong of the domestic industry requirement for the '471 patent; (7) anticipation of the asserted claims of the '471 patent in view of U.S. Patent No. 5,687,376 to Celi, Jr. *et al.*; (8) infringement of the asserted claim of the '190 patent; (9) technical prong of the domestic industry requirement for the '190 patent; (10) anticipation and obviousness of the '190 patent in view of U.S. Provisional Patent Application 60/037,963 to Parulski; (11) anticipation and obviousness of the '190 patent in view of the Zaurus; (12) anticipation and obviousness of the '190 patent in view of the Japanese Laid-Open Patent Application No. H09–298678 to Kazu Saito; (13) validity of the '538, '471, and '190 patents in view of the on-sale bar; (14) enforceability of claim 19 of the '538 patent with respect to joint inventorship; and (15) the economic prong of the domestic industry requirement with respect to the '539, '471, and '190 patents. The

Commission has determined not to review any of the remaining issues.

The parties should brief their positions on the issues on review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

Question 1: The Federal Circuit issued an opinion in *Suprema Inc.* v. *ITC* on December 13, 2013, holding that "an exclusion order based on a violation of 19 U.S.C. § 1337(a)(1)(B)(i) may not be predicated on a theory of induced infringement under 35 U.S.C. 271(b) where direct infringement does not occur until *after* importation of the articles the exclusion order would bar." Opinion at 4. Please address whether the Court's holding regarding induced infringement applies to the facts of this case.

Question 2: Please discuss whether Flashpoint has presented sufficient evidence that HTC had specific intent to induce infringement of the asserted claims of the '538 patent [REDACTED] Specifically, please address whether this case is or is not distinguishable from the facts of *i4i Ltd. Partnership* v. *Microsoft Corp.*, 598 F.3d 831, 851–52 (Fed. Cir. 2010).

Question 3: Please discuss whether Flashpoint has presented sufficient evidence showing acts of direct infringement as to the asserted claims of the '538 patent. [REDACTED]

Question 4: Please discuss whether the asserted claims of the '538 patent are obvious over Thurlo, Branson, the APA, Gough, and/or Small. Specifically, please address whether a person of ordinary skill in the art would be motivated to combine Thurlo, Branson, and the APA, and whether a person of ordinary skill in the art would be motivated to combine Thurlo, Branson, and the APA, with Gough and/or Small. Please cite to the record, including relevant prosecution history and expert testimony.

Question 5: With respect to the proper construction of the term "operating system" of the asserted claims of the '471 patent, discuss whether the preferred embodiments of the '471 patent are implemented using an "operating system" that does not include the kernel and device drivers. Please also discuss, even if the preferred embodiments of the '471 patent are implemented using an operating system that does not include the kernel and device drivers, whether under the ALJ's construction of the term "operating system," the kernel and device drivers are *necessarily* included.

Question 6: Discuss whether the accused products meet each of the limitations of the asserted claims of the '471 patent, including the term "operating system" under the proper construction of that term and the term "image processing system," as construed by the ALJ.

Question 7: [REDACTED]

Question 8: Discuss whether the asserted claims of the '471 patent are anticipated by the Celi reference under the ALJ's construction of the term "image processing subsystem."

Question 9: [REDACTED]

Question 10: Discuss whether the accused products meet the limitation "wherein the *formatted document* is formatted in accordance with a *predefined model*" of claim 13 of the '190 patent. [REDACTED]

Question 11: Please provide evidentiary support in the record regarding whether the U.S. investments alleged by complainant are significant or substantial in the context of the complainant's business, the relevant industry, and market realities.

Question 12: Assume for purposes of this question that the ITC issues an exclusion order covering the "no-contract" and "pay as you go" phones described on page 4 of ZTE Corporation and ZTE (USA) Inc.'s Statement on the Public Interest filed on November 18, 2013. Please provide the percentage of the total "no contract" and "pay as you go" phone market that would be affected by such an exclusion order.

Question 13: Several entities submitted statements on the public interest asserting that there should be a transition period for any remedy issued against HTC. Please explain and provide evidence regarding whether such a transition period is warranted in this investigation. Additionally, please explain and provide evidence regarding the appropriate duration for any such transition period.

Question 14: Several entities submitted statements on the public interest asserting that the Commission should consider in its public interest analysis the fact that HTC's accused products are complex devices comprising numerous components, whereas Flashpoint's infringement allegations are directed to a single component of the accused devices. How (if at all) should the Commission consider such a factor in determining whether to issue such a remedy or in fashioning an appropriate remedy in this investigation?

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 9 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the United States Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 *Fed. Reg.* 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant is

also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the patents expire and the HTSUS subheadings under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Thursday, January 3, 2014. Reply submissions must be filed no later than the close of business on Thursday, January 10, 2014. The written submissions must be no longer than 75 pages and the reply submissions must be no longer than 35 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must do so in accordance with Commission rule 210.4(f), 19 CFR 210.4(f), which requires electronic filing. The original document and 8 true copies thereof must also be filed on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: December 16, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–30318 Filed 12–20–13; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure; Federal Register Citation of Previous Announcement: 78FR 49768

AGENCY: Advisory Committee on Rules of Bankruptcy Procedure, Judicial Conference of the United States.

ACTION: Notice of Cancellation of Open Hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure has been canceled: Bankruptcy Rules Hearing, January 17, 2014, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 18, 2013.

Jonathan C. Rose,

Secretary and Chief Rules Officer.

[FR Doc. 2013–30490 Filed 12–20–13; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On December 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Jersey in the lawsuit entitled *The United States* v. *Cabot Corporation, et al.*, Case No: 3:13–cv–07564. The Consent Decree resolves the claims of Plaintiff set forth in the complaint against Defendants involving the Evor Phillips Leasing Superfund Site under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607(a). Under the proposed Consent Decree, Defendants have agreed to implement the remedy selected by the Environmental Protection Agency to address contaminated groundwater at the Site and to pay all interim and future costs associated with the remedy.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *The United States* v. *Cabot Corporation, et al.*, DJ#: 90–11–3–07162/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $54.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–30437 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On December 13, 2013, the Department of Justice lodged a proposed Consent Decree ("Decree") with the United States District Court for the Eastern District of Pennsylvania in the lawsuit entitled *United States* v. *Strube, Inc., et al,* Civil Action No. 5:13–cv–07303–JS.

In this action the United States, on behalf of the Environmental Protection Agency ("EPA"), filed a complaint against Defendants Strube, Inc., Tammie L. Dallmeyer and Carl E. Dallmeyer as Personal Representatives of the Estate of Craig E. Dallmeyer, and Donald C. Dallmeyer ("Defendants") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). The complaint seeks the recovery of costs the United States

incurred responding to the release or threat of release of hazardous substances at the Strube, Inc. Superfund Site in Lancaster County, Pennsylvania. Under the Consent Decree, defendant Strube will pay $80,000.00 towards EPA's past response costs and defendants Donald C. Dallmeyer and the Estate of Craig E. Dallmeyer will pay $175,000.00 towards EPA's past response costs. Additionally, the United States Department of Defense ("DOD") will resolve its potential liability at the Site under this Decree by paying $1,500,000.00 towards EPA's past response costs.

The publication of this notice opens a period for public comment on the Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States* v. *Strube, Inc., et al.*, D.J. Ref. 90–11–3–10488. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Acting Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Decree may be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order in the amount of $9.50 (.25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–30355 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act ("RCRA")

On December 13, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for Oregon in the lawsuit entitled *United States* v. *Oregon Metallurgical, LLC and TDY Industries, LLC*, 6:13–cv–02188–TC.

This is a civil action resulting from the improper storage, handling and disposal of hazardous wastes in violation of the Resource Conservation and Recovery Act ("RCRA"), which is part of the Solid Waste Disposal Act ("SDWA"), by Defendants Oregon Metallurgical, LLC, and TDY Industries, LLC.

The United States seeks injunctive relief and civil penalties intended to deter Defendants from creating further risks to human health and the environment by improperly handling and disposing of hazardous waste in the future.

The publication of this notice opens a period for public comment on the Proposed Consent Decree. The Department of Justice will receive comments concerning the settlement for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States* v. *Oregon Metallurgical, LLC and TDY Industries, LLC*, 6:13–cv–02188–TC, Dept. of Justice #: 90–7–1–09839.

Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $8.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–30352 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0089]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Open Letter to States With Permits That Appear To Qualify as Alternatives to NICS Checks

ACTION: 60-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until February 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Natisha Taylor, Firearms Industry Programs Branch at *fipb-informationcollection@atf.gov.*

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Open Letter to States with Permits That Appear to Qualify as Alternatives to NICS Checks.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: None.

Need for Collection

The purpose of this information collection is to ensure that only State permits that meet the statutory requirements contained in the Gun Control Act qualify as alternatives to a National Instant Criminal Background Check System (NICS) check.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 21 respondents will take 1 hour to prepare a written response to ATF.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 21 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: December 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30410 Filed 12–20–13; 8.45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0013]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Application for Tax-Exempt Transfer of Firearm and Registration to Special (Occupational) Taxpayer

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days February 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the National Firearms Act Branch at *nfaombcomments@atf.gov.*

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Tax-Exempt Transfer of Firearm and Registration to Special (Occupational) Taxpayer.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 3 (5320.3). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Need for Collection

The form is submitted and approved by ATF prior to the transfer of a National Firearms Act weapon from one Special Occupational Tax paying Federal firearms licensee to another special taxpaying licensee. The form is required whenever such a transfer is to be made.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,000 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 35,250 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: December 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30409 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0099]

Agency Information Collection Activities; Proposed Collection; Comments Requested: ATF Adjunct Instructor Data Form

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms

and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until February 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gus Jakowitsch, Accreditation and Technical Support Office, 99 New York Avenue NE., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* ATF Adjunct Instructor Data Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 6140.3. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: None.

Need for Collection

The information collected on ATF F 6140.3 will provide ATF with sufficient data to uniquely identify individual instructors, validate instructor topical expertise prior to training, and defend an instructor's qualifications in court regarding topical expertise.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 20 respondents will complete a 30 minute form.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 10 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: December 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30411 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OCR) Docket No. 1642]

Hearings of the Review Panel on Prison Rape

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of Hearing.

SUMMARY: The Office of Justice Programs (OJP) announces that the Review Panel on Prison Rape (Panel) will hold hearings in Washington, DC, on January 8–9, 2014. The hearing times and location are noted below. The purpose of the hearings is to assist the Bureau of Justice Statistics (BJS) in identifying common characteristics of victims and perpetrators of sexual victimization in U.S. prisons, jails, and juvenile facilities, and the common characteristics of U.S. prisons, jails, and juvenile facilities with the highest and lowest incidence of rape, respectively, based on anonymous surveys by the BJS of inmates and youth in representative samples of U.S. prisons, jails, and juvenile facilities. In May 2013, the BJS issued the report *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*. The report provides a listing of prisons and jails grouped according to the prevalence of reported sexual victimization, and formed the basis of the Panel's decision about which prison and jail facilities would be the subject of testimony. In June 2013, the BJS issued the report *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*. The report provides a listing of juvenile facilities grouped according to the prevalence of reported sexual victimization, and formed the basis of the Panel's decision about which juvenile facilities would be the subject of testimony.

DATES: The hearing schedule is as follows:

1. Wednesday, January 8, 2014, 8:30 a.m. to 12:15 p.m.: Bureau of Justice Statistics; Robert W. Dumond, LCMHC, CCMHC, Diplomate CFC, Senior Program Director, Just Detention International; Joyce Lukima, Vice President of Services, Pennsylvania Coalition Against Rape; Montana State Prison, Montana Department of Corrections—facility with a high prevalence of sexual victimization; Mabel Bassett Correctional Center, Oklahoma Department of Corrections—facility with a high prevalence of sexual victimization; Santa Rosa Correctional Institution, Florida Department of Corrections—facility with a high prevalence of sexual victimization; Lawtey Correctional Institution, Florida Department of Corrections—facility with a low prevalence of sexual victimization; and Jackie Brannon Correctional Center, Oklahoma Department of Corrections—facility with a low prevalence of sexual victimization.

2. Wednesday, January 8, 2014, 1:00 p.m.–4:15 p.m.: Estéban Gonzalez, President, American Jail Association; Giovanna E. Shay, Professor of Law, Western New England University School of Law; Philadelphia City Riverside Correctional Facility, Philadelphia, Pa., Prison System—facility with a high prevalence of sexual victimization; Harris County Jail—1200 Baker Street Jail, Harris County, Tex., Sheriff's Office—facility with a high prevalence of sexual victimization; Baltimore City Detention Center, Maryland Department of Public Safety and Correctional Services—facility with a high prevalence of sexual victimization; Jefferson County Jail, Jefferson County, Colo., Sheriff's Office—facility with a low prevalence of sexual victimization; and Cameron County Carrizales-Rucker Detention Center, Cameron County, Tex., Sheriff's Office—facility with a low prevalence of sexual victimization.

3. Thursday, January 9, 2014, 8:30 a.m. to 1:00 p.m.: Dr. Mary L. Livers, Deputy Secretary, Louisiana Office of Juvenile Justice and President Elect, American Correctional Association; Brenda V. Smith, Professor of Law, American University Washington College of Law; Kim Shayo Buchanan, Associate Professor of Law and Gender Studies, USC Gould School of Law; Paulding Regional Youth Detention Center and Eastman Youth Development Campus, Georgia Department of Juvenile Justice—facilities with a high prevalence of sexual victimization; Circleville Juvenile Correctional Facility, Ohio Department of Youth Services—facility with a high prevalence of sexual victimization; Owensboro Treatment Center, Kentucky Department of Juvenile Justice—facility with a low prevalence of sexual victimization; Grand Mesa Youth Services Center, Colorado Division of Youth Corrections—facility with a low prevalence of sexual victimization; Joshua C. Delaney, Senior Trial Attorney, Civil Rights Division, U.S. Department of Justice; and Jenni Trovillion, Co-Director, National PREA Resource Center.

ADDRESSES: The hearings will take place at the Office of Justice Programs Building, Main Conference Room, Third Floor, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Christopher P. Zubowicz, Designated Federal Official, OJP, *Christopher.Zubowicz@usdoj.gov*, (202) 307–0690. [Note: This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Panel, which was established pursuant to the Prison Rape Elimination Act of 2003, Public Law No. 108–79, 117 Stat. 972 (codified as amended at 42 U.S.C. 15601–15609 (2006)), will hold its next hearings to carry out the review functions specified at 42 U.S.C. 15603(b)(3)(A). Testimony from the hearings will assist the Panel in carrying out its statutory obligations. The witness list is subject to amendment; please refer to the Review Panel on Prison Rape's Web site at *http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm* for any updates regarding the hearing schedule. Space is limited at the hearing location. Members of the public who wish to attend the hearings in Washington, DC, must present government-issued photo identification upon entrance to the Office of Justice Programs. Special needs requests should be made to Christopher P. Zubowicz, Designated Federal Official, OJP, *Christopher.Zubowicz@usdoj.gov* or (202) 307–0690, at least one week before the hearings.

Michael Alston,

Director, Office for Civil Rights, Office of Justice Programs.

[FR Doc. 2013–30423 Filed 12–20–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Student Data Form

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Student Data Form," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

DATES: Submit comments on or before January 22, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201310-1218-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to maintain PRA authorization for the Student Data Form, Form OSHA–182. The Occupational Safety and Health Act of 1970 (OSH Act) authorizes the OSHA to conduct education and training courses. *See* 29 U.S.C. 670. These courses must educate an adequate number of qualified personnel to fulfill OSH Act purposes, provide personnel with short-term training, inform students of the importance and proper use of safety and health equipment, and train employers and workers to recognize, avoid, and prevent unsafe and unhealthful working conditions. The OSHA Training Institute provides basic, intermediate, and advanced training and education in occupational safety and health for Federal and State compliance officers, OSHA professionals and technical-support personnel, employers, workers, organizations representing workers and employers, educators who develop curricula and teach occupational safety and health courses, and representatives of professional safety and health groups.

Students attending OSHA Training Institute courses complete a one-page Student Data Form on the first day of class. The Student Data Form collects information under five major categories; course information, personal data, employer data, emergency contacts, and student groups. The OSHA uses information provided on the Student Data Form to contact a designated person in case of an emergency, to prepare certain OSH Act-required reports, tuition receipts, to evaluate training output, and to make decisions regarding program/course revisions, budget support, and tuition costs.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this

information collection under Control Number 1218–0172.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on December 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 23, 2013 (78 FR 52565).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0172. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Student Data Form.

OMB Control Number: 1218–0172.

Affected Public: Individuals.

Total Estimated Number of Respondents: 3,000.

Total Estimated Number of Responses: 3,000.

Total Estimated Annual Burden Hours: 240.

Total Estimated Annual Other Costs Burden: $0.

Dated: December 13, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–30422 Filed 12–20–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Fall Protection Systems Criteria and Practices and Training Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Construction Fall Protection Systems Criteria and Practices and Training Requirements" to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

DATES: Submit comments on or before January 22, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201311-1218-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to maintain PRA authority for the information collection requirements specified in regulations 29 CFR 1926.502 and –.503 that, respectively, require a covered employer to certify safety nets and to develop fall protection plans and to prepare worker training certification records. These standards help to ensure that a covered employer provides the required fall protection and training. The Occupational Safety and Health Act authorizes this information collection. *See* 29 U.S.C. 651 and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0197.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on December 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 27, 2013 (78 FR 59725).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0197. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Construction Fall Protection Systems Criteria and Practices and Training Requirements.

OMB Control Number: 1218–0197.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 379,305.

Total Estimated Number of Responses: 5,703,775.

Total Estimated Annual Burden Hours: 457,108.

Total Estimated Annual Other Costs Burden: $0.

Dated: December 17, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–30421 Filed 12–20–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *December 2, 2013 through December 6, 2013.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,963	Bausch & Lomb Incorporated, North Goodman Street Facility, Valeant Pharmaceuticals, Kelly Services.	Rochester, NY	August 7, 2012.
82,963A	Bausch & Lomb Incorporated, Bausch & Lomb Place Facility, Valeant Pharmaceuticals, Kelly Services.	Rochester, NY	August 7, 2012.
83,213	Norandal USA, Inc., Noranda Aluminum, Inc., Select Staffing	Salisbury, NC	November 8, 2012.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,831	IBM Corporation, Integrated Supply Chain Engineering, Experis, Manpower, Celestica and Jabil.	Poughkeepsie, NY	June 20, 2012.
82,839	IBM Corporation, Silicon Solutions Engineering and Electronic Design Automation, ASIC, etc.	Williston, VT	June 21, 2012.
82,925	IBM Corporation, IBM Internal Accounts Team	Austin, TX	July 22, 2012.
82,956	Micron Technology, Inc	Boise, ID	August 1, 2012.
82,956A	Micron Technology, Inc	Fremont, CA	August 1, 2012.
82,956B	Micron Technology, Inc	San Jose, CA	August 1, 2012.
82,956C	Micron Technology, Inc	Folsom, CA	August 1, 2012.
82,956D	Micron Technology, Inc	Longmont, CO	August 1, 2012.
82,956E	Micron Semiconductor Products	Meridian, ID	August 1, 2012.
82,956F	Micron Technology, Inc	Nampa, ID	August 1, 2012.
82,956G	Micron Technology, Inc	Boise, ID	August 1, 2012.
82,956H	Micron Technology, Inc	Minneapolis, MN	August 1, 2012.
82,956I	Micron Technology Texas, LLC	Allen, TX	August 1, 2012.
82,956J	Micron Semiconductor Products, Inc	Round Rock, TX	August 1, 2012.
82,956K	Micron Technology, Inc	Manassas, VA	August 1, 2012.
82,956L	Micron Technology Puerto Rico, Inc	Aguadilla, PR	August 1, 2012.
83,132	Citibank, N.A., Enterprise Operations & Technology, Citi Procurement, Randstad, etc.	New York, NY	October 11, 2012.
83,132A	Citibank, N.A., Enterprise Operations & Technology, Citi Procurement, Randstad, etc.	Tampa, FL	October 11, 2012.
83,160	AMP—A Fletcher Company, The Fletcher-Terry Company, LLC, Express Personnel Services.	Pontotoc, MS	October 21, 2012.
83,171	Cigna Health and Life Insurance Company, Provider Data Management Team, Robert Half and Office Overload, etc.	St. Louis, MO	October 24, 2012.
83,172	Decanter Diversified Machine, Inc., Decanter Machine, Inc., Labor Ready Mid-Atlantic, etc.	Roebuck, SC	October 24, 2012.
83,215	Dow Jones & Company, Inc., News Corporation, Customer Service/Call Center Support, Aerotek, etc.	Chicopee, MA	November 8, 2012.
83,215A	Dow Jones & Company, Inc., News Corporation, Customer Service/Call Center Support, Aerotek, etc.	New York, NY	November 8, 2012.
83,215B	Dow Jones & Company, Inc., News Corporation, Customer Service/Call Center Support, Aerotek, etc.	Princeton, NJ	November 8, 2012.
83,228	Covidien LP, Medical Devices Division, Kelly Services	Argyle, NY	December 3, 2013.
83,229	Amphenol Corporation, Aerospace and Industrial Division, Staffworks, Adecco, etc.	Sidney, NY	December 16, 2013.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
83,105	Contact Industries, Inc., Clear Pine Mouldings, Inc., Mid Oregon Personnel and Select, etc.	Prineville, OR.	
83,159	Native Accents LLC	Big Sky, MT.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W number	Subject firm	Location	Impact date
82,831A	IBM Corporation, Systems Technology Group, Packaging Development, Product Engineering.	Hopewell Junction, NY.	
82,831B	IBM Corporation, Enterprise Systems Tech Support, Systems Technology, Computer Task Group.	Poughkeepsie, NY.	
83,057	Alpha Wire, Belden Division, Belden, Inc., Mirco Tech Staffing, Infinity Staffing, etc.	Leominster, MA.	
83,122	YP Texas Region Yellow Pages LLC, Olivette Telephone Sales Division, YP Subsidiary Holdings LLC, etc.	Olivette, MO.	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
83,212	HSBC Card Services, Inc., Bilingual Customer Services Department	Tulsa, OK.	

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA–W No.	Subject firm	Location	Impact date
83,062	Micron Technology, Inc	Manassas, VA.	
83,089	Micron Technology, Inc	Boise, ID.	
83,089A	Micron Technology, Inc	Fremont, CA.	
83,089B	Micron Technology, Inc	San Jose, CA.	
83,089C	Micron Technology, Inc	Folsom, CA.	
83,089D	Micron Technology, Inc	Longmont, CO.	
83,089E	Micron Semiconductor Products	Meridian, ID.	
83,089F	Micron Technology, Inc	Nampa, ID.	
83,089G	Micron Technology, Inc	Boise, ID.	
83,089H	Micron Technology, Inc	Minneapolis, MN.	
83,089I	Micron Technology Texas, LLC	Allen, TX.	
83,089J	Micron Semiconductor Products, Inc	Round Rock, TX.	
83,089K	Micron Technology, Inc	Manassas, VA.	
83,089L	Micron Technology Puerto Rico, Inc	Aguadilla, PR.	

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

TA–W No.	Subject firm	Location	Impact date
83,251	AT&T	Dallas, TX.	

I hereby certify that the aforementioned determinations were issued during the period of *December 2, 2013 through December 6, 2013*. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 13th day of December 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–30353 Filed 12–20–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 2, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 2, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 12th day of December 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

22 TAA Petitions Instituted Between 12/2/13 and 12/6/13

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
83252	Congoleum (State/One-Stop)	Trenton, NJ	12/02/13	11/30/13
83253	Georgia Pacific Wood Products, LLC (Company)	Jarratt, VA	12/03/13	11/22/13
83254	Brady Worldwide, Inc. dba Electromark Inc. (State/One-Stop).	Wolcott, NY	12/03/13	11/18/13
83255	General Dynamics (OTS Division) (State/One-Stop)	Moses Lake, WA	12/03/13	11/27/13
83256	IBM (State/One-Stop)	Boulder, CO	12/03/13	12/02/13
83257	Cromaglass Corporation (Company)	Williamsport, PA	12/03/13	12/02/13
83258	Apex Tool Group (State/One-Stop)	Garland, TX	12/04/13	12/03/13
83259	Multi Packaging Solutions (MPS) (Union)	Terre Haute, IN	12/04/13	12/03/13
83260	Spellman High Voltage Electronics Corp. (State/One-Stop)	Hauppauge, NY	12/04/13	12/03/13
83261	Hewlett Packard (Workers)	Omaha, NE	12/04/13	12/02/13
83262	OSRAM Sylvania (Company)	York, PA	12/05/13	12/04/13
83263	Quantum Spatial (State/One-Stop)	Seattle, WA	12/05/13	12/05/13
83264	Block and Company, Inc. (Company)	Bristol, TN	12/05/13	12/04/13
83265	AT&T (Workers)	Pasadena, CA	12/05/13	12/04/13
83266	WW Metal Fab—WW Group (Workers)	Milwaukee, OR	12/05/13	11/26/13
83267	Titan Tire (Workers)	Bryan, OH	12/05/13	11/15/13
83268	Magnetics Div of Spang & Company (Company)	Pittsburg, PA	12/05/13	11/14/13
83269	Daikin McQuay (Union)	Auburn, NY	12/05/13	12/04/13
83270	Minnesota Rubber and Plastics (Company)	Watertown, SD	12/06/13	11/19/13
83271	ShoeDazzle (Workers)	Los Angeles, CA	12/06/13	12/05/13
83272	Ocwen Financial Corporation (Workers)	Fort Washington, PA	12/06/13	12/06/13
83273	BNY Mellon (Workers)	Brooklyn, NY	12/06/13	12/01/13

[FR Doc. 2013–30354 Filed 12–20–13; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 13–153]

NASA Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, January 23, 2014, 1:00 p.m. to 2:00 p.m., Local Time.

ADDRESSES: NASA Johnson Space Center, Room 966, NASA Parkway, Building 1, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Aerospace Safety Advisory Panel Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4452, or email at *mnorris@nasa.gov*.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2014. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. Attendees will be required to sign a visitor's register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Any member of the public desiring to attend the ASAP 2014 First Quarterly Meeting at the Johnson Space Center must provide their full name and company affiliation (if applicable) to Ms. Marian Norris at *mnorris@nasa.gov* by January 15, 2014. Foreign Nationals attending the meeting will be required to provide the following information by January 7, 2014: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); and title/position of attendee. Additional information may be requested. Permanent Residents should provide this information: Green card number and expiration date. Persons with disabilities who require assistance should indicate this. Photographs will only be permitted during the first 10 minutes of the meeting.

At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5-minutes in length. To do so, members of the public must contact Ms. Marian Norris at *mnorris@nasa.gov* or at (202) 358–4452 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–30520 Filed 12–20–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (13–152)]

NASA Applied Sciences Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Applied Sciences Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday January 22, 2014, 8:30 a.m. to 5:00 p.m., and Thursday, January 23, 2014, 8:30 a.m. to 3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3P40, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Meister, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–1557, fax (202) 358–4118, or *peter.g.meister@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Applied Sciences Program Update
—Data Latency Study Interim Results
—Capacity Building Assessment Report and Discussion

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. U.S. citizenship and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days in advance by contacting Peter Meister via email at *peter.g.meister@nasa.gov* or by telephone at (202) 358–1557.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–30519 Filed 12–20–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (13–154)]

NASA International Space Station Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA International Space Station (ISS) Advisory Committee. The purpose of the meeting is to assess all aspects related to the safety and operational readiness of the ISS, and to assess the possibilities for using the ISS for future space exploration.

DATES: January 7, 2014, 1:00–2:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 7H41–A, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Mann, Office of International and Interagency Relations, (202) 358–5140, NASA Headquarters, Washington, DC 20546–0001.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room.

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Mr. Mann via email at *gmann@nasa.gov* or by telephone at (202) 358–5140 or fax at (202) 358–3030. U.S. citizens and permanent residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Mr. Mann.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–30521 Filed 12–20–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 13–149]

Privacy Act of 1974; Privacy Act System of Records

AGENCY: National Aeronautics And Space Administration (NASA).

ACTION: Notice of proposed revisions to existing Privacy Act systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the National Aeronautics and Space Administration is issuing public notice of its proposal to modify its previously noticed system of records. This notice publishes updates of those systems of records as set forth below under the caption **SUPPLEMENTARY INFORMATION.**

DATES: Submit comments within 30 calendar days from the date of this publication.

ADDRESSES: Patti F. Stockman, Privacy Act Officer, Office of the Chief Information Officer, National Aeronautics and Space Administration Headquarters, Washington, DC 20546–0001, (202) 358–4787, *NASA-PAOfficer@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: NASA Privacy Act Officer, Patti F. Stockman, (202) 358–4787, *NASA-PAOfficer@nasa.gov.*

SUPPLEMENTARY INFORMATION: Minor modifications of the NASA systems of records include: Updates of locations as well as system and subsystem managers; addition of routine uses; and correction of previous typographical errors. Changes for specific NASA systems of records are set forth below:

NASA Freedom of Information Act System/NASA 10FOIA: Change "GOIA" to "FOIA" under Routine Uses; update the Safeguards section.

History Archives Biographical Collection/NASA 10HABC: Add Standard Routine Uses and refine the System Manager title.

Human Experimental and Research Data Records/NASA 10HERD: Refine system locations and corresponding subsystem managers; update the Safeguards section.

Health Information Management System/NASA 10HIMS: Refine system locations and corresponding subsystem managers; update the Safeguards section.

Inspector General Investigations Case Files/NASA 10IGIC: Delete a location where records are not maintained; update authorities for maintenance of the system; clarify some and add other routine uses; update the Safeguards section.

Larry N. Sweet,

NASA Chief Information Officer.

NASA 10FOIA

SYSTEM NAME:

NASA Freedom of Information Act System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Locations 1–11 and 18, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or their representatives who have submitted Freedom of Information Act (FOIA)/Privacy Act (PA) requests for records and/or FOIA administrative appeals with NASA; individuals whose requests for records have been referred to the Agency by other agencies; individuals who are the subject of such requests, appeals; and/or the NASA personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records created or compiled in response to FOIA, FOIA/PA or PA requests for records or subsequent administrative appeals and may include: The requester's name, address, telephone number, email address; the original requests and administrative appeals; responses to such requests and appeals; all related memoranda, correspondence, notes and other related or supporting documentation, and in some instances copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20113; 44 U.S.C. 3101; 5 U.S.C. 552; 14 CFR part 1206.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is maintained for the purpose of processing and tracking access requests and administrative appeals under the FOIA; for the purpose of maintaining a FOIA administrative record regarding Agency action on such requests and appeals; and for the Agency in carrying out any other responsibilities under the FOIA and applicable executive orders. Any disclosures of information will be compatible with the purpose for which the Agency collected the information. The records and information in these records may be disclosed in accordance with a NASA standard routine uses as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained in paper files; copies may also be maintained in electronic format.

RETRIEVABILITY:

Information is retrieved by FOIA case file numbers.

SAFEGUARDS:

Records are maintained on a secure NASA server and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, the server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. An approved security plan is in place for the system containing the records in accordance with OMB Circular A–130, Management of Federal Information Resources. Only authorized personnel requiring information in the official discharge of their duties are

authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-factor hardware token authentication. Non-electronic records are secured in locked rooms or files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with guidelines defined in the NASA Procedural Requirements (NPR) 1441.1D, NASA Records Retention Schedules (NRRS), Schedule 1, Item 49.

SYSTEM MANAGER AND ADDRESS:

System Manager: Principal Agency FOIA Officer, Office of Communications, Location 1, as set forth in Appendix A. Subsystem Managers: Center FOIA Officers, located within locations 2–11 and 18, as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify the system manager or subsystem manager at the appropriate NASA Center, as set forth in Appendix A.

RECORD ACCESS PROCEDURES:

Individuals seeking to access their FOIA case file should submit their request in writing to the system manager or subsystem manager at the appropriate NASA Center, as set forth in Appendix A. The request envelope should be clearly marked, "PRIVACY ACT REQUEST FOR ACCESS." The request should include a general description of the records sought, FOIA case file number, and must include your full name, current address, and the date. The request must be signed and either notarized or submitted under penalty of perjury. The system manager may require a notarized signature. Some information may be exempt from access in accordance with FOIA regulations.

CONTESTING RECORD PROCEDURES:

The NASA regulations governing access to records, procedures for contesting the content and for appealing initial determinations are set forth in Title 14, Code of Federal Regulations, Part 1212.

RECORD SOURCE CATEGORIES:

Information is collected directly from individuals making Freedom of Information Act requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NASA 10HABC

SYSTEM NAME:

History Archives Biographical Collection.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Location 1 and 11 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data; speeches and articles by an individual; correspondence, interviews, and various other tapes and transcripts of program activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20112(a)(3) and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The following are routine uses:

1. Disclosure to scholars (historians and other disciplines) or any other interested individuals for research in writing dissertations, articles, and books, for government, commercial, and nonprofit publication or developing material for other media use.

2. NASA standard routine uses as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained as hard-copy documents and on electronic media.

RETRIEVABILITY:

The records are retrieved from the system by the individual's name.

SAFEGUARDS:

Because these records are archive material and, therefore, a matter of public information, there are no special safeguard procedures required.

RETENTION AND DISPOSAL:

Records are retained indefinitely in Agency reference collections in history offices, but may be destroyed when no longer needed in accordance with NASA Records Retention Schedules, Schedule 1 Item 10.

SYSTEM MANAGERS AND ADDRESSES:

Chief Archivist, Location 1.

Subsystem Manager: Public Affairs Officer, Location 11 as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager listed above.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR part 1212.

RECORD SOURCE CATEGORIES:

Press releases, newspapers, journals, copies of internal Agency records, and the individuals themselves.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NASA 10HERD

SYSTEM NAME:

Human Experimental and Research Data Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Locations 2, 5, 6, and 8, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The information in this system of records is obtained from individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; civil service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains data obtained in the course of an experiment, test, or research medical data from in-flight records, other information collected in connection with an experiment, test, or research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20113(a) and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any disclosures of information will be compatible with the purpose for which the Agency collected the information. Records and information in this system may be disclosed: (1) To other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; (2) To external biomedical professionals and independent entities to support internal and external reviews for purposes of research quality assurance; (3) To agency contractors or other Federal agencies, as necessary for the purpose of assisting NASA in the efficient administration of its programs; (4) To a Congressional office in response to an inquiry from that office made at the request of the subject of the record; and; and (5) In accordance with standard routine uses set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSITIONING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored as paper documents, electronic media, micrographic media, photographs, or motion pictures film, and various medical recordings such as electrocardiograph tapes, stripcharts, and x-rays.

RETRIEVABILITY:

Records are retrieved by the individual's name, experiment or test; arbitrary experimental subject number; flight designation; or crewmember designation on a particular space or aeronautical flight.

SAFEGUARDS:

Records are maintained on secure NASA servers and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. Approved security plans are in place for systems containing the records in accordance with OMB Circular A–130, Management of Federal Information Resources. Only authorized personnel requiring information in the official discharge of their duties are authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-factor hardware token authentication. Non-electronic records are secured in locked rooms or files.

RETENTION AND DISPOSAL:

Records are maintained in Agency files for varying periods of time depending on the need for use of the records and destroyed when no longer needed in accordance with NASA Records Retention Schedules, Schedule 7 Item 16.

SYSTEM MANAGER(S) AND ADDRESS(ES)

Chief Health and Medical Officer, Location 1.

Subsystem Managers: Director Life Sciences Directorate, Chief Space Medicine Division, and Program Scientist Human Research Program, all at Location 5; Institutional Review Board (IRB) Chairs at Locations 2, 6, and 8, as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained by contacting the cognizant system or subsystem manager listed above. Requests must contain the identifying data concerning the requester, e.g., first, middle and last name; date of birth; and Social Security Number.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 CFR part 1212.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from experimental test subjects, physicians and other health care providers, principal investigators and other researchers, and previous experimental test or research records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NASA 10HIMS

SYSTEM NAME:

Health Information Management System.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Medical Clinics/Units and Environmental Health Offices at Locations 1 through 14 inclusive, and 19, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on NASA civil service employees and applicants; other Agency civil service and military employees working at NASA; astronauts and their families; International Space Partners astronauts, their families, or other space flight personnel on temporary or extended duty at NASA; onsite contractor personnel who receive job-related examinations under the NASA Occupational Health Program, have work-related mishaps or accidents, or come to clinic for emergency or first-aid treatment; visitors to NASA Centers who come to the clinic for emergency or first-aid treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains general medical records of medical care, first aid, emergency treatment, examinations (e.g., surveillance, hazardous workplace, certification, flight, special purpose and health maintenance), exposures (e.g., hazardous materials and ionizing radiation), and consultations by non-NASA physicians.

Information resulting from physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal or NASA flight surgeon physicians; consultation records; and hazardous exposure and other health hazard/abatement data.

Medical records, behavioral health records, and physical examination records of Astronauts and their families.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 2475 20113(a); 44 U.S.C. 3101; 42 CFR part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Any disclosures of information will be compatible with the purpose for which the Agency collected the information. The records and information in this system may be disclosed: (1) To external medical professionals and independent entities to support internal and external reviews for purposes of medical quality assurance; (2) To private or other government health care providers for consultation or referral; (3) To the Office of Personnel Management, Occupational

Safety and Health Administration, and other Federal or State agencies as required in accordance with the Federal agency's special program responsibilities; (4) To insurers for reimbursement; (5) To employers of non-NASA personnel in support of the Mission Critical Space Systems Personnel Reliability Program; (6) pursuant to NASA Space Act agreements to international partners for mission support and continuity of care for their employees; (7) To non-NASA personnel performing research, studies, or other activities through arrangements or agreements with NASA and for mutual benefit; (8) To the public of pre-space flight information having mission impact concerning an individual crewmember, limited to the crewmember's name and the fact that a medical condition exists; (9) To public, limited to the crewmember's name and the fact that a medical condition exists, if a flight crewmember is, for medical reasons, unable to perform a scheduled public event during the time period following Space Shuttle landing and concluding with completion of the post space flight return to duty medical evaluation; (10) To the public of medical conditions arising from accidents, consistent with NASA regulations; (11) To agency contractors or other Federal agencies, as necessary for the purpose of assisting NASA in the efficient administration of its programs; (12) To a Congressional office in response to an inquiry from that office made at the request of the subject of the record; and (13) In accordance with standard routine uses 1–7 as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSITIONING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in multiple formats including paper, digital, micrographic, photographic, and as medical recordings such as electrocardiograph tapes, x-rays and strip charts.

RETRIEVABILITY:

Records are retrieved from the system by the individual's name, date of birth, and/or Social Security or other assigned Number.

SAFEGUARDS:

Records are maintained on secure NASA servers and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. Approved security plans are in place for systems containing the records in accordance with OMB Circular A–130, Management of Federal Information Resources. Only authorized personnel requiring information in the official discharge of their duties are authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-factor hardware token authentication. Non-electronic records are secured in locked rooms or files.

RETENTION AND DISPOSAL:

Records are maintained in Agency files and destroyed by series in accordance with NASA Records Retention Schedule 1, Item 126, and NASA Records Retention Schedule 8, Item 57.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Chief Health and Medical Officer at Location 1.

Subsystem Managers: Director Occupational Health at Location 1; Chief, Space Medicine Division at Location 5; Occupational Health Contracting Officers Technical Representatives at Locations 2–4, 6–14, and 19. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained by contacting the cognizant system or subsystem manager listed above. Requests must contain the identifying data concerning the requester, e.g., first, middle and last name; date of birth; and Social Security Number.

RECORD ACCESS PROCEDURES:

Individual written requests for information shall be addressed to the System Manager at Location 1 or the subsystem manager at the appropriate NASA Center.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 CFR part 1212.

RECORD SOURCE PROCEDURES:

The information in this system of records is obtained from individuals, physicians, and previous medical records of individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NASA 10IGIC

SYSTEM NAME:

Inspector General Investigations Case Files.

SECURITY CLASSIFICATION:

Some of the material contained in the system has been classified in the interests of national security pursuant to Executive Order 11652.

SYSTEM LOCATION:

Locations 1, 2, 4 through 11, 14, 16 and 17 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on current and former employees of NASA, contractors, and subcontractors, and others whose actions have affected NASA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) theft of Government property, (3) bribery, (4) lost or stolen lunar samples, (5) misuse of Government property, (6) conflict of interest, (7) waiver of claim for overpayment of pay, (8) leaks of Source Evaluation Board information, (9) improper personal conduct, (10) irregularities in awarding contracts, (11) computer crimes, (12) research misconduct, and (13) whistleblower protection investigations under various statutes and regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20113; 51 U.S.C. 20114; 44 U.S.C. 3101; Inspector General Act of 1978, as amended, 5 U.S.C. Appendix 3.

PURPOSES:

Information in this system of records is collected in the course of investigating alleged crimes and other violations of law or regulations that affect NASA. The information is used by prosecutors, Agency managers, law enforcement agencies, Congress, NASA contractors, and others to address the crimes and other misconduct discovered during investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The following are routine uses: (1) Responding to the White House, the Office of Management and Budget, and other organizations in the Executive Office of the President regarding matters inquired of; (2) disclosure to a congressional office from the record of an individual in response to a written inquiry from the congressional office

made at the request of that individual; (3) providing data to Federal intelligence elements; (4) providing data to any source from which information is requested in the course of an investigation, and to identify the type of information requested; (5) providing personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigations; (6) disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution, to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor, subcontractor, or grantee is able to take administrative or corrective action; (7) disclosing to any official (including members of the Council of Inspectors General on Integrity and Efficiency (CIGIE) and staff and authorized officials of the Department of Justice and Federal Bureau of Investigation) charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in Office of Inspector General (OIG) operations; (8) disclosing to members of the CIGIE for the preparation of reports to the President and Congress on the activities of the Inspectors General; (9) disclosing to the public when: The matter under investigation has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or to demonstrate the accountability of NASA officers, or employees, or other individuals covered by this system, unless the Inspector General determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (10) disclosing to the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments), or when necessary for protection from imminent threat to life or property; (11) disclosing to any individual or entity when necessary to elicit information that will assist an OIG investigation or audit; (12) disclosing to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim; (13) disclosing to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, who have a need to know such information in order to accomplish an agency function; (14) NASA standard routine uses as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained as hard-copy documents and on electronic media.

RETRIEVABILITY:

Each OIG investigation is assigned a case number and all records relating to a particular investigation are filed and retrieved by that case number. Records may also be retrieved from the system by the name of an individual.

SAFEGUARDS:

Records are maintained on secure NASA servers and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. Approved security plans are in place for systems containing the records in accordance with OMB Circular A–130, Management of Federal Information Resources. Only authorized personnel requiring information in the official discharge of their duties are authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-factor hardware token authentication. Non-electronic records are secured in locked rooms or files.

RETENTION AND DISPOSAL:

Records are maintained in Agency files and destroyed in accordance with NASA Procedural Requirements (NPR) 1441.1, NASA Records Retention Schedules, Schedule 9. Files containing information of an investigative nature but not related to a specific investigation are destroyed in accordance with NPR 1441.1. Significant case files are scheduled for disposition with the National Archives and Records Administration when closed. All other case files are destroyed 10 years after file is closed.

SYSTEM MANAGER AND ADDRESS:

Assistant Inspector General for Investigations, Location 1.

Subsystem Managers Special and Resident Agents in Charge, Location 2, 4 through 11 inclusive, 14, 16, and 17 as set forth in Appendix A.

NOTIFICATION PROCEDURE:

None. System is exempt (see below).

RECORD ACCESS PROCEDURES:

None. System is exempt (see below).

CONTESTING RECORD PROCEDURES:

None. System is exempt (see below).

RECORD SOURCE CATEGORIES:

Exempt.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

(1) The Inspector General Investigations Case Files system of records is exempt from any part of the Privacy Act (5 U.S.C. 552a), EXCEPT the following subsections: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A)–(F) relating to publishing a system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10), and (11) relating to the dissemination and maintenance of records; (i) relating to criminal penalties. This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws.

(2) To the extent that there may exist noncriminal investigative files within this system of records, the Inspector General Investigations Case Files system of records is exempt from the following subsections of the Privacy Act (5 U.S.C. 552a): (c)(3) relating to access to disclosure accounting, (d) relating to access to reports, (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H), and (I) relating to publishing the system notice information as to agency procedures for access and amendment and information as to the categories of sources of records, and (f) relating to developing agency rules for gaining access and making corrections. The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C.552a(j) and (k) and subpart 5 of the NASA regulations appearing in 14 CFR part 1212, for the reason that a component of the Office of Inspector General, NASA, performs as its principal function activities pertaining to the enforcement of

criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

[FR Doc. 2013–30458 Filed 12–20–13; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–018 and 52–019; NRC–2008–0170]

Duke Energy Carolinas, LLC; William States Lee III Nuclear Station, Units 1 and 2; Combined Licenses Application Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Final environmental impact statement; availability.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers, Charleston District, as a cooperating agency, have published NUREG–2111, "Final Environmental Impact Statement [EIS] for Combined Licenses (COLs) for William States Lee III Nuclear Station Units 1 and 2."

ADDRESSES: Please refer to Docket ID NRC–2008–0170 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0170. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The three volumes of the final EIS are available electronically in ADAMS under Accession Nos. ML13340A005, ML13340A006, and ML13340A007.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

In addition, the final EIS may be accessed online at the NRC's William States Lee III Nuclear Station—specific Web page at: *www.nrc.gov/reading-rmm/doc-collections/nuregs/staff/sr2111/*. The Cherokee County Library located at 300 East Rutledge Avenue, Gaffney, SC 29340, has also agreed to make the final EIS available to the public.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Vokoun, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3470, email: *Patricia.Vokoun@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Lee Nuclear Station Site is located in Cherokee County, South Carolina. The application for the COLs was submitted by letter dated December 12, 2007, pursuant to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR). A notice of receipt and availability of the application, which included the environmental report, was published in the **Federal Register** on February 1, 2008 (73 FR 6218). A notice of acceptance for docketing of the COL application was published in the **Federal Register** on February 29, 2008 (73 FR 11156). A notice of intent to prepare a draft environmental impact statement (EIS) and to conduct the scoping process was published in the **Federal Register** on March 20, 2008 (73 FR 15009). A notice of intent to conduct a supplemental scoping process for the supplement to the environmental report was published in the **Federal Register** on May 24, 2010 (75 FR 28822). The draft environmental impact statement (EIS) was published in the **Federal Register** on December 21, 2011 (76 FR 79228). The purpose of this notice is to inform the public that the final EIS is available for public inspection.

Dated at Rockville, Maryland, this 17th day of December 2013.

For the Nuclear Regulatory Commission.

Mark S. Delligatti,

Deputy Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2013–30530 Filed 12–20–13; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–14; Order No. 1910]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing announcing its intention to change rates for Inbound Air Parcel Post (at Universal Postal Union (UPU) Rates). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 26, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Notice of filing. On December 16, 2013, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, announcing its intention to change rates for Inbound Air Parcel Post (at Universal Postal Union (UPU) Rates).[1] The Notice does not include any classification changes. *Id.* at 2. The intended effective date of the rate changes is January 1, 2014. *Id.* at 1. The timing of the filing comports with the requirement in 39 CFR 3015.5 that notice of this type of change be submitted at least 15 days before the effective date.

Background. The Commission approved the Postal Service's request to add Inbound Air Parcel Post (at UPU Rates) to the competitive product list in Order No. 362.[2] The request was based

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability and Application for Non-Public Treatment of Materials Filed Under Seal, December 16, 2013 (Notice).

[2] Docket Nos. MC2010–11 and CP2010–11, Order Adding Inbound Air Parcel at UPU Rates to Competitive Product List, December 15, 2009 (Order No. 362).

on Governors' Decision No. 09–15. Notice at 1.

II. Contents of Filing

This filing includes a Notice, along with the following attachments:

- Attachment 1—an application for non-public treatment of material filed under seal;
- Attachment 2—a redacted copy of Governors' Decision No. 09–15;
- Attachment 3—a redacted copy of the new rates; and
- Attachment 4—a copy of the certification required under 39 CFR 3015.5(c)(2).

The material filed under seal consists of unredacted copies of the referenced Governors' Decision, the new rates and related financial information. *Id.* at 3. The Postal Service filed redacted versions of the sealed financial documents in public Excel spreadsheets. *Id.* at 2.

Classification and rates. The Notice incorporates by reference previous explanations concerning (1) the UPU Postal Operations Council's mechanism for setting base rates for Inbound Air Parcel Post, and (2) the formal nature of the Governors' Decision establishing those rates for purposes of statutory compliance. *Id.*

The Postal Service asserts that the prices comport with the Governors' Decision No. 09–15 as they are the highest possible inward land rates that the Postal Service is eligible for based on inflation increases and other factors. *Id.* at 2–3. It also asserts that it has met its burden of providing notice to the Commission of changed rates within the scope of Governors' Decision No. 09–15, as required by 39 U.S.C. 3632(b)(3). *Id.* at 3.

III. Commission Action

The Commission establishes Docket No. CP2014–14 for consideration of matters raised in the Notice. Interested persons may submit comments on whether the Agreement is consistent with the requirements of 39 CFR 3015.5 and the policies of 39 U.S.C. 3632 and 3633. Comments are due no later than December 26, 2013. The public portions of the Postal Service's filing can be accessed via the Commission's Web site at *http://www.prc.gov*. Information on how to obtain access to nonpublic material appears at 39 CFR 3007.40.

The Commission appoints Pamela A. Thompson to represent the interest of the general public (Public Representative) in this case.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–14 for consideration of matters raised in the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission designates Pamela A. Thompson to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than December 26, 2013.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–30412 Filed 12–20–13; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71106; File No. SR–Phlx–2013–123]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program and Replacement of Penny Pilot Issues That Have Been Delisted

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], and Rule 19b–4[2] thereunder, notice is hereby given that on December 13, 2013, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Phlx Rule 1034 (Minimum Increments) to extend through June 30, 2014, the Penny Pilot Program in options classes in certain issues ("Penny Pilot" or "Pilot"), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *italicized* and proposed deleted language is [bracketed].

NASDAQ OMX PHLX Rules

Options Rules

* * * * *

Rule 1034. Minimum Increments

(a) Except as provided in sub-paragraphs (i)(B) and (iii) below, all options on stocks, index options, and Exchange Traded Fund Shares quoting in decimals at $3.00 or higher shall have a minimum increment of $.10, and all options on stocks and index options quoting in decimals under $3.00 shall have a minimum increment of $.05.

(i)(A) No Change.

(B) For a pilot period scheduled to expire [December 31, 2013]*June 30, 2014* (the "pilot"), certain options shall be quoted and traded on the Exchange in minimum increments of $0.01 for all series in such options with a price of less than $3.00, and in minimum increments of $0.05 for all series in such options with a price of $3.00 or higher, except that options overlying the PowerShares QQQ Trust ("QQQQ")®, SPDR S&P 500 Exchange Traded Funds ("SPY"), and iShares Russell 2000 Index Funds ("IWM") shall be quoted and traded in minimum increments of $0.01 for all series regardless of the price. A list of such options shall be communicated to membership via an Options Trader Alert ("OTA") posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [July 1, 2013] *January 1, 2014*.

(C) No Change.

(ii)–(v) No Change.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com*, at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in January 2007 and was last extended in June 2013. *See* Securities Exchange Act Release Nos. 55153 (January 23, 2007), 72 FR 4553 (January 31, 2007)(SR–Phlx–2006–74) (notice of filing and approval order establishing Penny Pilot); and 69786 (June 18, 2013), 78 FR 37863 (June 24, 2013) (SR–Phlx–2013–64) (notice of filing and immediate effectiveness extending the Penny Pilot through December 31, 2013).

the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Phlx Rule 1034 to extend the Penny Pilot through June 30, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock ("QQQQ"), the SPDR S&P 500 Exchange Traded Fund ("SPY") and the iShares Russell 2000 Index Fund ("IWM"), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on December 31, 2013.

The Exchange proposes to extend the time period of the Penny Pilot through June 30, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following January 1, 2014. The replacement issues will be selected based on trading activity in the previous six months.[4]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through June 30, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following January 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii)[7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii)[9] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[11] However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from June 1, 2013 through November 30, 2013. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. December) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[13] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2013–123 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–123. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2013–123 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30452 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[14] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71091; File No. SR–FICC–2013–09]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Make the U.S. Department of the Treasury's Floating Rate Notes Eligible for Netting Service and GCF Repo® at FICC's Government Securities Division

December 17, 2013.

I. Introduction

On October 28, 2013, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR–FICC–2013–09 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on November 14, 2013.[3] The Commission received no comment letters. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

The purpose of this proposed rule change is to make the U.S. Department of the Treasury ("Treasury Department") floating rate notes eligible for the netting service and GCF Repo® service at the GSD. Last year, the Treasury Department announced its plan to issue Treasury notes with a floating rate coupon ("Floating Rate Notes"). The Floating Rate Notes will be the first new product issued by the U.S. Treasury since the Treasury Inflation-Protected Securities ("TIPS") were introduced in 1997. The Treasury Department anticipates that the first auction of Floating Rate Notes will occur in January 2014.[4] FICC's Government Securities Division ("GSD") is planning to make Floating Rate Notes eligible for its netting service starting with the January 2014 auction of the two-year Floating Rate Notes (other maturities will be issued later).

With respect to the GCF Repo® service, Floating Rate Notes will be included in GSD's existing Treasury Generic CUSIP Numbers.[5] However, because of their adjustable coupon, Floating Rate Notes will not be eligible for collateral allocation obligations or substitutions with respect to the GCF Repo® Generic CUSIPs representing TIPS, separate trading of registered interest and principal securities ("STRIPS"), or fixed-rate mortgage-backed securities issued by Federal National Mortgage Association ("Fannie Mae"), Federal Home Loan Mortgage Corporation ("Freddie Mac") and Government National Mortgage Association ("Ginnie Mae"). As a result, GSD Rule 20, Section 3, has been revised to reflect this change.

In order for GSD to process Floating Rate Notes, various enhancements to FICC's systems and member output have been made in the following areas:

- Creation and maintenance of a historical database of reference indices. This data is necessary for determining coupon, which is used in valuing positions for settlement purposes and

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 70831 (Nov. 7, 2013), 78 FR 68496 (Nov. 14, 2013) (SR–FICC–2013–09).

[4] See Press Release, U.S. Department of the Treasury *August 2013 Quarterly Refunding Statement of Assistant Secretary Rutherford* (Jul. 31, 2013), available at *www.treasury.gov*.

[5] Pursuant to Rule 1 of the GSD Rulebook, ("Definitions"), the term "Generic CUSIP Number" means a Committee on Uniform Securities Identification Procedures identifying number established for a category of securities, as opposed to a specific security. Rule 1 also requires GSD to use separate Generic CUSIP Numbers for General Collateral Repo Transactions and GCF Repo Transactions.

for forward margin and clearing fund calculations.

- Modification of the security database in order for it to work in conjunction with the floating rate, reset date, reset rate basis, and spread.
- Modifications to member output formats for both messaging and end of day machine readable output in order to accommodate the additional fields.

GSD will test FICC's enhanced systems with its membership before the launch of the Floating Rate Notes. This will ensure that members can properly submit and receive transaction data in connection with the Floating Rate Notes. GSD has issued several Important Notices to members about GSD's proposed processing of the Floating Rate Notes and will continue to do so prior to making Floating Rate Notes eligible for processing.[6]

III. Discussion

Section 19(b)(2)(C) of the Act[7] directs the Commission to approve a self-regulatory organization's proposed rule change if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act[8] requires, among other things, that the rules of a clearing agency registered with the Commission be designed to promote the prompt and accurate clearance and settlement of securities transactions and protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[9] because it allows FICC to provide clearance and settlement services for Floating Rate Notes, as newly issued government securities, which should in turn reduce the risks associated with the trading, clearing, and settling of such securities by FICC members. In so doing, FICC should facilitate the prompt and accurate clearance and settlement of securities transactions in Floating Rate Notes. Moreover, FICC's rule change should help protect investors and the public interest by allowing the market to benefit from the risk reducing measures provided by clearing and settling Floating Rate Notes at FICC.

[6] GSD issued Important Notice GOV012.13 on February 23, 2013 and Important Notice GOV056.13 on August 19, 2013. Both Important Notices provide members with data output guidelines and trade messaging changes. The notices are available at *www.dtcc.com*.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] *Id.*

IV. Conclusion

On the basis of the foregoing, the Commission concludes that the proposal is consistent with the requirements of the Act, particularly the requirements of Section 17A of the Act,[10] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR–FICC–2013–09) be and hereby is *approved*.[12]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30442 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(2).

[12] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71088; File No. SR–CME–2013–32]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Modifications to the OTC IRS Fee Schedule and Changes to the IRS Manual of Operations

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 5, 2013, Chicago Mercantile Exchange Inc. ("CME") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rules 19b–4(f)(2) and 19b–4(f)(4)(ii)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2) and 17 CFR 240.19b–4(f)(4)(ii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is filing a proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change would modify the fee schedule applicable to its over-the-counter ("OTC") interest rate swap ("IRS") clearing offering and also make separate changes to the Manual of Operations for CME Cleared Interest Rate Swaps ("IRS Manual").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to modify the fee schedule (the "Fee Schedule") that applies to over-the-counter ("OTC") Interest Rate Swaps ("IRS") cleared at CME. The fees for clearing members clearing IRS are being modified to a $250 per ticket fee. In addition, the volume discounts and alternative fee schedules that are included in the current OTC IRS fee schedule are being deleted. CME will also waive the clearing member fee for back-loaded trades and trades associated with customer terminations as defined in the fee schedule. Finally, the alternate customer fee schedule is being revised to remove maintenance fees and a non-substantive change is being made to simplify the fee table from a matrix specifying each currency to a single table referring to the transaction currency.

Separately, CME is also proposing certain conforming changes to its IRS Manual. The IRS Manual changes can be summarized as follows:

• Chapter 3 (The Clearing System; Getting Started)—Changed reference of "platforms" to "SEFs" throughout.

• Chapter 4 (Trade Entry, Messaging, and Management)—Added requirement that IRS Clearing Members pre-approve any trades submitted to clearing from a swap execution facility consistent with the CFTC's September 26, 2013 Division of Clearing and Risk and the Division of Market Oversight staff guidance on swaps straight-through processing. CME will also require that trades submitted from a platform must be explicitly accepted or pass credit limits at CME for each account. Additionally, CME is enabling functionality for transfers for IRS Clearing Members to initiate transfers directly through the clearing system and is making conforming changes deeming a member that initiates a transfer to have consented to such transfer.

• Chapter 6 (Account Configuration, Money Calculations and Collateral)—Added ISDA ACT/ACT(ISMA) as an eligible day count fraction.

CME plans to operationalize the proposed fee changes on December 1, 2013. The IRS Manual changes will become effective immediately upon filing.

The changes that are described in this filing impact fees and make certain other adjustments to CME's IRS Manual (as described above) that are limited to CME's business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the Commodity Futures Trading Commission ("CFTC") and do not materially impact CME's security-based swap clearing business in any way. CME notes that it has already submitted the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in CME Submissions 13–495, 13–520 and 13–520S (which included a supplemental, confidential attachment related to filing 13–520).

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] More specifically, the first aspect of the proposed rule change establishes or changes a member due, fee or other charge imposed by CME under Section 19(b)(3)(A)(ii)[6] of the Securities Exchange Act of 1934 and Rule 19b–4(f)(2)[7] thereunder. CME believes that the proposed fee change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder and, in particular, to 17A(b)(3)(D),[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among participants. The proposed changes apply equally to market participants clearing IRS at CME. CME notes that it operates in a highly competitive market in which market participants can readily direct business to competing venues.

Second, the proposed rule change also includes additional conforming changes to CME's IRS Manual to facilitate its IRS clearing offering. The changes conform certain definitions and are also designed to be in accordance with recent CFTC guidance regarding straight through processing of swaps and therefore are designed to promote central clearing of swaps under the CFTC's jurisdiction. As such, CME believes the changes are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[9] Furthermore, the proposed changes are limited in their effect to swaps products offered under CME's authority to act as a derivatives clearing organization. These products are under the exclusive jurisdiction of the CFTC. As such, the proposed CME changes are limited to CME's activities as a derivatives clearing organization clearing swaps that are not security-based swaps; CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed changes are limited in their effect to swaps products offered under CME's authority to act as a derivatives clearing organization, the proposed changes are also properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[10] and are properly filed under Section 19(b)(3)(A)[11] and Rule 19b–4(f)(4)(ii)[12] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The rule changes simply modify CME's current IRS fee schedule and make conforming changes to CME's IRS Manual that correspond to CFTC guidance on straight through processing of swaps.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[13] of the Act and paragraphs (f)(2) and (f)(4)(ii) of Rule 19b–4[14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 15 U.S.C. 78q–1(b)(3)(D).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(4)(ii).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2) and 17 CFR 240.19b–4(f)(4)(ii).

[15] 15 U.S.C. 78s(b)(3)(C).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–CME–2013–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CME–2013–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html*.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CME–2013–32 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30438 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71108; File No. SR–Phlx–2013–121]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Two Features Relating to Complex Orders

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 9, 2013, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend two features of the Exchange's Complex Orders functionality, as described below.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to enhance the Exchange's complex order functionality by enhancing two of the protections offered to complex order executions, as well as to correct Exchange rules in two areas to reflect the operation of the Exchange's system.

First, the Exchange proposes to amend the Phlx XL Strategy Price Protection ("SPP") in Rule 1080.08(g). SPP is a feature of Phlx XL that prevents certain Complex Order Strategies from trading at prices outside of pre-set standard limits. SPP applies only to Vertical Spreads[3] and Time Spreads.[4] Currently, Rule 1080.08(g)(iii) provides that if the execution of a Vertical Spread or a Time Spread would violate the SPP limits, the System would place the order on the CBOOK.

Today, the System cancels a Vertical Spread or a Time Spread rather than placing it on the CBOOK where a sell (buy) order would execute at a price outside of the SPP limit on the sell (buy) side. The Exchange proposes to correct this language in the rule text. The Exchange believes that it is appropriate to cancel the order rather than place it on the CBOOK, because the order is priced such that it will never be executable. This is because, regardless of changes in the market for the components of the Complex Order, the SPP will always result in the same calculation and thereby prevent an execution.

In addition, the Exchange proposes to add rule text to provide that the order will be cancelled even if it violates the SPP limit *on the other side of the market* from the order. Today, the System cancels a sell order that would execute at a price outside of the SPP limit on the offer side, and similarly cancels a buy order that would execute at a price outside of the SPP limit on the bid side. Under this proposal, the System would cancel a sell (buy) order from execution at a price outside of the SPP limit on the bid (offer) side as well. The purpose of this change is to offer additional protection to certain Complex Orders due to a price far away from existing markets on both sides of the market.

For example, where there is a Complex Order to sell (A–B),[5] the following would occur:

PBBO
A Dec 50 $12.20–$14.90

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Vertical Spread is a Complex Order Strategy consisting of the purchase of one call (put) option and the sale of another call (put) option overlying the same security that have the same expiration but different strike prices. *See* Rule 1080.08(g)(i).

[4] A Time Spread is a Complex Order Strategy consisting of the purchase of one call (put) option and the sale of another call (put) option overlying the same security that have different expirations but the same strike price. *See* Rule 1080.08(g)(ii).

[5] Assume it is a vertical spread.

B Dec 55 $ 9.00–$12.50
cPBBO is $.30 credit–$ 5.90
SPP calculates minimum possible value of 0 (always for a vertical spread)
SPP calculates maximum possible value of $5.00 by subtracting the value of the lower strike from the value of the higher strike (55 – 50 = 5)
SPP limit will be applied to: $0–$5.00
If the SPP limit is set at $.10, the acceptable range is $.10 credit[6]–$5.10.

Today, if a Complex Order is received to sell at $5.50, the System cancels the order, because $5.50 is outside of the $5.10 SPP limit on the offer side and thus could never be executed. If a Complex Order is received to buy for $5.50, because that price does not violate the $.10 credit SPP on the bid side, the order will be protected by SPP and placed on the CBOOK.

Under this proposal, if a Complex Order is received to buy for $5.50, the order will be protected by SPP and cancelled, because it is priced through the acceptable range on the offer side of $5.10.

Accordingly, the SPP would be applied consistently to all Complex Orders, thereby affording more protection (in the form of cancellation) to aggressively priced Complex Orders.

Second, the Exchange proposes to amend the Acceptable Complex Execution ("ACE") Parameter in Rule 1080.08(i). The ACE Parameter defines a price range outside of which a Complex Order will not be executed. The ACE Parameter is either a percentage or number defined by the Exchange.[7] The ACE Parameter price range is based on the cNBBO[8] at the time an order would be executed. A Complex Order to sell will not be executed at a price that is lower than the cNBBO bid by more than the ACE Parameter. A Complex Order to buy will not be executed at a price that is higher than the cNBBO offer by more than the ACE Parameter. A Complex Order or a portion of a Complex Order that cannot be executed within the ACE Parameter pursuant to this rule will be placed on the CBOOK. The Exchange issues an Options Trader Alert ("OTA") to its membership indicating the ACE Parameter. The Exchange also lists the ACE Parameter on its Web site.

The Exchange now proposes to be able to set the ACE Parameter at a different percentage or number for Complex Orders where one of the components is the underlying security. This type of Complex Order, a stock-option order, is an order to buy or sell a stated number of units of an underlying security (stock or Exchange Traded Fund Share ("ETF")) coupled with the purchase or sale of options contract(s).[9] As such, a stock-option order is different than a Complex Order consisting of only option components. For example, if the market for Option A is $3.00–$3.50 and for the underlying stock is $50.00–$50.10 and a Complex Order to buy Option A and sell the stock arrives, the cNBBO is $46.50–$47.10; thus, the regular ACE Parameter of 5% would result in an allowable execution range of $44.18–$49.45. Setting the ACE Parameter at 0.50% would result in a more narrow allowable execution range of $46.27–$47.34.

The ACE Parameter feature is designed to help maintain a fair and orderly market by helping to mitigate the potential risk of executions at prices which are extreme and potentially erroneous. The Exchange has determined that a different ACE Parameter limit should apply to stock-option orders to offer a better degree of protection where needed. In the previous example, the regular ACE Parameter would allow execution prices of more than $2.30 away from the cNBBO. Allowing a different ACE Parameter for stock-option orders provides the ability for the Exchange to use a lower ACE Parameter, which in the example above, using 0.50% would have offered much more protection by narrowing the execution range to within roughly $0.23 of the cNBBO.

The Exchange also proposes to correct the rule text to delete the reference to establishing the ACE Parameter on an issue-by-issue (meaning option-by-option) basis, because the Exchange cannot, at this time, do that. Today, the Exchange establishes the single ACE Parameter for all options, and, under this proposal, as explained above, is proposing to now establish a second ACE Parameter for stock-option orders respecting all options.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to promote just and equitable principles of trade, and, in general to protect investors and the public interest, by enhancing the price protections available to Complex Orders on the Exchange. Specifically, the change to the SPP feature corrects the rule to indicate that an order will be cancelled, which is consistent with just and equitable principles of trade. The Exchange believes that cancelling orders under this proposal rather than placing them on the CBOOK is an improvement and results in additional protection from executions at far away prices. Price protections like SPP presume that an order was entered incorrectly or at an incorrect price if it is widely out of range of current prices. Accordingly, cancelling orders is an enhancement that should protect investors and the public interest and provide participants with consistent behavior on such orders.

The change to the ACE Parameter should protect investors and the public interest by permitting a more specific and nuanced number to be set for Complex Orders that are stock-option orders. The price of a Complex Order that is a stock-option order may fluctuate differently and this proposal recognizes that they are different than option-only Complex Orders. This enhancement should also promote just and equitable principles of trade by better tailoring the ACE Parameter to these types of orders. With respect to the correction establishing an ACE Parameter for all options rather than option-by-option, the Exchange believes that this aspect of the proposal is consistent with just and equitable principles of trade and should protect investors and the public interest, because the Exchange believes that it can sufficiently protect Complex Orders by applying a single ACE Parameter to all options, along with a separate ACE Parameter for stock-option orders. The ACE Parameter has never been established option-by-option and market participants have not asked for that.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, various options exchanges offer complex order functionality along with a variety of price protections, such that the proposal will help the Exchange better compete with those options exchanges. With respect to intra-market competition, the proposal will be available to all eligible Complex Orders, regardless of participant type.

[6] A $.10 credit bid means that the seller of the Complex Order would be paying $.10 to sell rather than receiving $.10, perhaps because the seller is seeking to close out the position for tax or margin reasons, regardless of the price.

[7] *See* Securities Exchange Act Release No. 69921 (July 2, 2013), 78 FR 41164 (July 9, 2013) (SR–Phlx–2013–72).

[8] *See* Rule 1080.08(a)(vi).

[9] The underlying security must be the deliverable for the options component of that Complex Order and represent exactly 100 shares per option for regular way delivery.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

The proposal does not significantly affect the protection of investors or the public interest, because it provides enhanced price protection, which has the potential to benefit investors, as explained above. The proposal does not impose any significant burden on competition, as explained further above.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2013–121 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–121. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013–121, and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30454 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(a)(ii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71089; File No. SR–CBOE–2013–119]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the CBSX Fees Schedule

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 9, 2013, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Fees Schedule of its CBOE Stock Exchange ("CBSX"). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CBSX Fees Schedule provides for different fee tiers for Maker executions in transactions in all other securities priced $1 or greater depending on the percentage of TCV that the Maker adds of liquidity in a given day.[3] Prior to December 9, 2013, odd lot trades (trades of less than 100 shares) have not been reported by stock exchanges or eligible trade reporting facilities to the Consolidated Tape Administration and UTP Plan, and therefore were not counted, recorded or reported in the trade reports created by those regimes. As such, odd lot trades would not have been counted towards "TCV" by CBSX, as "TCV" is defined as "total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan." Odd lot trades executed by Makers on CBSX, however, did count towards those Makers' percentages of TCV contributed (meaning that such trades helped the Makers as they counted towards their numerators but were not counted in the denominator that determines their percentages).

Beginning on December 9, 2013, odd lot trades will begin to be reported to the Consolidated Tape Administration and UTP Plan, and therefore will be counted, recorded and reported in the trade reports created by those regimes. This means that such trades would be included in the "TCV" denominator. However, CBSX proposes to exclude volume from odd lot transactions through January 31, 2014 from the calculation of TCV (and therefore from counting towards the denominator in the calculation of which Maker fee tiers). CBSX publishes the TCV calculation on CBSX's Web site each day, and would simply subtract odd lot trades from the total volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan. This will give market participants time to adjust their trading behavior to account for the inclusion of odd lot trades in TCV, and can only be of benefit to CBSX market participants (since odd lot trades count towards their percentages (the numerator) of TCV).

[3] See CBSX Fees Schedule, Section 1. "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan. Volume from Maker executions in the Select Symbols (priced $1 or greater) will count towards a market participant's % of TCV.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. CBSX believes that the proposed change is reasonable because it can only serve to help market participants have a higher percentage of TCV (and thereby be assessed lower transaction fees). CBSX believes that the proposed change is equitable and not unfairly discriminatory because it will apply to all CBSX market participants. Indeed, not including odd lot trades towards TCV could make it easier for market participants to continue to reach higher volume (and lower fee) tiers, thereby encouraging such market participants to engage in more trading at CBSX. This increased volume and liquidity could benefit all market participants. Further, the exclusion of odd lots from TCV should benefit all market participants by keeping TCV lower, making it easier for all CBSX market participants to reach higher volume (and lower fee) tiers.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBSX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. CBSX does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the lower TCV number (that excludes odd lot transactions) will apply to all market participants. CBSX does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change only applies to trading on CBSX. Indeed, this lower TCV number could encourage more trading on CBSX. Further, the proposed change is merely a continuation of the current calculation of TCV. To the extent that the proposed change makes CBSX a more attractive market to market participants at other exchanges, such market participants may elect to become CBSX market participants.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2013–119 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–119. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/*

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–119 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30440 Filed 12–20–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71102; File No. SR–C2–2013–039]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 9, 2013, C2 Options Exchange, Incorporated (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule with regard to the quoting bandwidth allowance for Market-Makers. The Fees Schedule states that the bandwidth allowance for a Market-Maker Trading Permit is equivalent to a maximum of 195,000,000 quotes over the course of a trading day. However, in reaching the v quotes number, C2 only took into account the normal trading hours for equity options (8:30 a.m.–3:00 p.m. (all times herein are Central)) and erroneously failed to account for the fact that index and ETP options trading is open until 3:15 p.m. (an extra 15 minutes). Therefore, the Exchange's quoting bandwidth allowance for index and ETP options is actually greater than the 195,000,000 quotes listed in the Fees Schedule. In order to account for this error, the Exchange proposes to amend the Fees Schedule to delete the 195,000,000 number and replace it with 202,500,000 (which accounts for the extra 15 minutes).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that amending the Fees Schedule to more accurately reflect the Market-Maker Trading Permit quoting bandwidth allowance (taking into account the extra fifteen minutes that index and ETP options are traded) shall alleviate confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system. The proposed change applies equally to all Market-Maker Trading Permits.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is merely making a correction. Further, the new 202,500,000 quotes amount applies to all Market-Maker Trading Permits. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is merely a correction, not a competitive change, and only applies to trading on C2.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6)[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2013–039 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2013–039. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2013–039, and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30499 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71092; File No. SR–ISE–2013–61]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Back-Up Trading Arrangements

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 5, 2013, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a rule that will permit ISE to enter into arrangements with one or more other exchanges that would provide trading facilities for ISE listed options at another exchange in the event that the functions of ISE are severely and adversely affected by an emergency or extraordinary circumstances (a "Disabling Event"), and similarly provide trading facilities at ISE for another exchange to trade its listed options if that exchange's facility experiences a Disabling Event. The Exchange also proposes to adopt a rule addressing general Exchange procedures under emergency conditions.

The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction

The Exchange proposes to adopt new Rule 508 (Back-Up Trading Arrangements), which would permit ISE to enter into arrangements with one or more other exchanges (each a "Back-up Exchange") to permit ISE and its members to use a portion of a Back-up Exchange's facilities to conduct the trading of ISE exclusively listed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

options [3] in the event of a Disabling Event, and similarly to will [sic] permit ISE to provide trading facilities at ISE for another exchange's exclusively listed options if that exchange (a "Disabled Exchange") is prevented from trading due to a Disabling Event. Proposed Rule 508 would also permit ISE to enter into arrangements with a Back-up Exchange to provide for the listing and trading of ISE singly listed options [4] by the Back-up Exchange if ISE's facility becomes disabled, and conversely provide for the listing and trading by ISE of the singly listed options of a Disabled Exchange.

The Exchange also proposes an amendment to its Fee Schedule to address the fees that shall apply to transactions in options of a Disabled Exchange effected on a Back-up Exchange. Additionally, the Exchange proposes to adopt a new Rule 509, which addresses Exchange procedures under emergency conditions and is similar to rules that have been adopted by another exchange.[5]

Background

The back-up trading arrangements contemplated by proposed Rule 508 represent ISE's immediate plan to ensure that ISE's exclusively listed and singly listed options will have a trading venue if a catastrophe renders its primary facility inaccessible or inoperable. The Commission has suggested measures that ISE should undertake to expedite reopening of ISE's exclusively listed securities if a catastrophic event prevents trading at ISE for an extended period of time. Proposed Rule 508 would permit ISE to enter into back-up trading arrangements with other exchanges that would address the measures suggested by the Commission.

The ISE is currently working with the Philadelphia Stock Exchange ("Phlx") to develop a bi-lateral back-up trading arrangement in the event that trading is prevented at one of the exchanges. Once the parties execute the finalized agreement governing the back-up trading arrangement, they will enter into an operational plan for those arrangements.

[3] For purposes of ISE Rule 508, the term "exclusively listed option" means an option that is listed exclusively by an exchange (because the exchange has an exclusive license to use, or has proprietary rights in, the interest underlying the option).

[4] For purposes of proposed Rule 508, the term "singly listed option" means an option that is not an "exclusively listed option" but that is listed by an exchange and not by any other national securities exchange.

[5] *See* Chicago Board Options Exchange ("CBOE") Rule 6.17.

Proposed Rule 508

If ISE Is the Disabled Exchange

The Exchange proposes to adopt Rule 508 to make effective its back-up trading arrangement with another exchange. Section (a) of proposed Rule 508 describes the back-up trading arrangements that would apply if ISE were the Disabled Exchange. Under the proposed paragraph (a)(1)(ii), the facility of the Back-up Exchange used by ISE to trade some or all of ISE's exclusively listed options will be deemed to be a facility of ISE, and such option classes shall trade as listings of ISE. This approach of deeming a portion of the Back-up Exchange's facilities to be a facility of the Disabled Exchange is an approach previously approved by the Commission.[6]

Since the trading of ISE exclusively listed options will be conducted using the systems of the Back-up Exchange, proposed paragraph (a)(1)(iii) provides that the trading of ISE listed options on ISE's facility at the Back-up Exchange shall be conducted in accordance with the rules of the Back-up Exchange, and proposed paragraph (a)(1)(iv) provides that the Back-up Exchange has agreed to perform the related regulatory functions with respect to such trading, in each case except as ISE and the Back-up Exchange may specifically agree otherwise.[7] The Back-up Exchange rules that govern trading on ISE's facility at the Back-up Exchange shall be deemed to be ISE rules for purposes of such trading.

Under proposed paragraph (a)(1)(v), ISE shall have the right to designate its members that will be authorized to trade ISE exclusively listed options on ISE's facility at the Back-up Exchange and, if applicable, its member(s) that will be a Primary Market Maker ("PMM") or Competitive Market Maker ("CMM") in those options. If the Back-up Exchange is unable to accommodate all ISE members that desire to trade on ISE's facility at the Back-up Exchange, ISE may determine which members shall be eligible to trade at that facility by considering factors such as whether the member is a PMM or CMM in the applicable product(s), the number of contracts traded by the member in the applicable product(s), market performance, and other factors relating to a member's contribution to the market in the applicable product(s).

Under proposed paragraph (a)(1)(vi), members of the Back-up Exchange shall not be authorized to trade in any ISE exclusively listed options, except that (i) ISE may deputize willing brokers of the Back-up Exchange as temporary ISE members to permit them to execute orders as Electronic Access Members ("EAMs") in ISE exclusively listed options traded on ISE's facility at the Back-up Exchange,[8] and (ii) the Back-up Exchange has agreed that it will, at the instruction of ISE, select members of the Back-up Exchange that are willing to be deputized by ISE as temporary ISE members authorized to trade ISE exclusively listed options on ISE's facility at the Back-up Exchange for such period of time following a Disabling Event as ISE determines to be appropriate, and ISE may deputize such members of the Back-up Exchange as temporary ISE members for that purpose. The foregoing exceptions would permit members of the Back-up Exchange to trade ISE exclusively listed options on the ISE facility on the Back-up Exchange, if, for example, circumstances surrounding a Disabling Event result in ISE members being delayed in connecting to the Back-up Exchange in time for prompt resumption of trading.

Section (a)(2) of the proposed rule provides for the continued trading of ISE singly listed options at the Back-up Exchange in the event of a Disabling Event at ISE. Proposed paragraph (a)(2)(ii) provides that ISE may enter into arrangements with a Back-up Exchange under which the Back-up Exchange will agree, in the event of a Disabling Event, to list for trading option classes that are then singly listed only by ISE. Such option classes would trade on the Back-up Exchange as listings of the Back-up Exchange and in accordance with the rules of the Back-up Exchange. Under proposed paragraph (a)(2)(iii), any such options class listed by the Back-up Exchange that does not satisfy the standard listing and maintenance criteria of the Back-up

[6] *See* Securities and Exchange Commission Release Nos. 51717 (May 19, 2005), 70 FR 30160 (May 25, 2005) (SR–CBOE–2004–59); 51926 (June 27, 2005), 70 FR 38232 (July 1, 2005) (SR–PHLX–2004–65).

[7] ISE's proposed back-up trading arrangements contemplate that the operation of the Disabled Exchange's facility at the Back-up Exchange will be conducted in accordance with the rules of the Back-up Exchange except that (i) the rules of the Disabled Exchange will apply with respect to doing business with the public, margin requirements, net capital requirements and listing requirements, and (ii) the members of the Disabled Exchange that are trading on the facility of the Disabled Exchange at the Back-up Exchange (not including members of the Back-up Exchange who become temporary members of the Disabled Exchange) will be subject to the rules of the Disabled Exchange governing or applying to the maintenance of a person's or a firm's status as a member of the Disabled Exchange. The Commission approved a similar arrangement between CBOE and Phlx. *See* supra note 4.

[8] CBOE and Phlx received approval to deputize its brokers in this manner. *See* supra note 6.

Exchange will be subject, upon listing by the Back-up Exchange, to delisting (and, thus, restrictions on opening new series, and engaging in opening transactions in those series with open interest, as may be provided in the rules of the Back-up Exchange).

ISE singly listed option classes would be traded by members of the Back-up Exchange and by ISE members selected by ISE to the extent the Back-up Exchange can accommodate ISE members in the capacity of temporary members of the Back-up Exchange. If the Back-up Exchange is unable to accommodate all ISE members that desire to trade ISE singly listed options at the Back-up Exchange, ISE may determine which members shall be eligible to trade such options at the Back-up Exchange by considering the same factors used to determine which ISE members are eligible to trade ISE exclusively listed options at the ISE facility at the Back-up Exchange.

Proposed Section (a)(3) provides that ISE may enter into arrangements with a Back-up Exchange to permit ISE members to conduct trading on a Back-up Exchange of some or all of ISE's multiply listed options in the event of a Disabling Event. While continued trading of multiply listed options upon the occurrence of a Disabling Event is not likely to be as great a concern as the continued trading of exclusively and singly listed options, ISE nonetheless believes a provision for multiply listed options should be included in the rule so that the exchanges involved will have the option to permit members of the Disabled Exchange to trade multiply listed options on the Back-up Exchange. Such options shall trade as a listing of the Back-up Exchange in accordance with the rules of the Back-up Exchange.

If ISE is the Back-up Exchange

Section (b) of proposed Rule 508 describes the back-up trading arrangements that would apply if ISE were the Back-up Exchange. In general, the provisions in Section (b) are the converse of the provisions in Section (a). With respect to the exclusively listed options of the Disabled Exchange, the facility of ISE used by the Disabled Exchange to trade some or all of the Disabled Exchange's exclusively listed options will be deemed to be a facility of the Disabled Exchange, and such option classes shall trade as listings of the Disabled Exchange. Trading of the Disabled Exchange's exclusively listed options on the Disabled Exchange's facility at ISE shall be conducted in accordance with ISE rules, and ISE will perform the related regulatory functions with respect to such trading, in each case except as the Disabled Exchange and ISE may specifically agree otherwise. ISE rules that govern trading on the Disabled Exchange's facility at ISE shall be deemed to be rules of the Disabled Exchange for purposes of such trading.

Sections (b)(2) and (b)(3) describe the arrangements applicable to trading of the Disabled Exchange's singly and multiply listed options at ISE, and are the converse of Sections (a)(2) and (a)(3). One difference is in paragraph (b)(2)(i), which includes a provision that would permit ISE to allocate singly listed option classes of the Disabled Exchange to an ISE PMM in advance of a Disabling Event, without utilizing the allocation process under ISE Rule 802, to enable ISE to quickly list such option classes upon the occurrence of a Disabling Event.

Member Obligations

Section (c) describes the obligations of members and member organizations with respect to the trading by "temporary members" on the facilities of another exchange pursuant to Rule 508. Section (c)(1) sets forth the obligations applicable to members of a Back-up Exchange who act in the capacity of temporary members of the Disabled Exchange on the facility of the Disabled Exchange at the Back-up Exchange.

Section (c)(1) provides that a temporary member of the Disabled Exchange shall be subject to, and obligated to comply with, the rules that govern the operation of the facility of the Disabled Exchange at the Back-up Exchange. This would include the rules of the Disabled Exchange to the extent applicable during the period of such trading, including the rules of the Disabled Exchange limiting its liability for the use of its facilities that apply to members of the Disabled Exchange. Additionally, (i) such temporary member shall be deemed to have satisfied, and the Disabled Exchange has agreed to waive specific compliance with, rules governing or applying to the maintenance of a person's or a firm's status as a member of the Disabled Exchange, including all dues, fees and charges imposed generally upon members of the Disabled Exchange based on their status as such, (ii) such temporary member shall have none of the rights of a member of the Disabled Exchange except the right to conduct business on the facility of the Disabled Exchange at the Back-up Exchange to the extent described in the Rule, (iii) the member organization associated with such temporary member, if any, shall be responsible for all obligations arising out of that temporary member's activities on or relating to the Disabled Exchange, and (iv) the clearing member of such temporary member shall guarantee and clear the transactions of such temporary member on the Disabled Exchange.

Section (c)(2) sets forth the obligations applicable to members of a Disabled Exchange who act in the capacity of temporary members of the Back-up Exchange for the purpose of trading singly listed and multiply listed options of the Disabled Exchange. Such temporary members shall be subject to, and obligated to comply with, the rules of the Back-up Exchange that are applicable to the Back-up Exchange's own members, including the rules of the Back-up Exchange limiting its liability for the use of its facilities that apply to members of the Back-up Exchange. Temporary members of the Back-up Exchange have the same obligations as those set forth in Section (c)(1) that apply to temporary members of the Disabled Exchange, except that, in addition, temporary members of the Back-up Exchange shall only be permitted (i) to act in those capacities on the Back-up Exchange that are authorized by the Back-up Exchange and that are comparable to capacities in which the temporary member has been authorized to act on the Disabled Exchange, and (ii) to trade in those option classes in which the temporary member is authorized to trade on the Disabled Exchange.

Member Proceedings

As noted above, proposed Rule 508 provides that the rules of the Back-up Exchange shall apply to the trading of the singly and multiply listed options of the Disabled Exchange traded on the Back-up Exchange's facilities, and (with certain limited exceptions) the trading of exclusively listed options of the Disabled Exchange traded on the facility of the Disabled Exchange at the Back-up Exchange. The Back-up Exchange has agreed to perform the related regulatory functions with respect to such trading (except as the Back-up Exchange and the Disabled Exchange may specifically agree otherwise).

Section (d) of proposed Rule 508 provides that if a Back-up Exchange initiates an enforcement proceeding with respect to the trading during a back-up period of singly or multiply listed options of the Disabled Exchange by a temporary member of the Back-up Exchange, or exclusively listed options of the Disabled Exchange by a member of the Disabled Exchange (other than a member of the Back-up Exchange who is a temporary member of the Disabled

Exchange), and such proceeding is in process upon the conclusion of the back-up period, the Back-up Exchange may transfer responsibility for such proceeding to the Disabled Exchange following the conclusion of the back-up period. This approach to the exercise of enforcement jurisdiction is also consistent with past precedent.[9]

With respect to arbitration jurisdiction, proposed Section (d) provides that arbitration of any disputes with respect to any trading during a back-up period of singly or multiply listed options of the Disabled Exchange or of exclusively listed options of the Disabled Exchange on the Disabled Exchange's facility at the Back-up Exchange will be conducted in accordance with the rules of the Back-up Exchange, unless the parties to an arbitration agree that it shall be conducted in accordance with the rules of the Disabled Exchange.

Member Preparations

To ensure that members are prepared to implement ISE's back-up trading arrangements, proposed Section (e) requires ISE members to take appropriate actions as instructed by ISE to accommodate ISE's back-up trading arrangements with other exchanges and ISE's own back-up trading arrangements.

Supplementary Material

Proposed Supplementary Material .01 to Rule 508 clarifies that to the extent Rule 508 provides that another exchange will take certain action, the Rule is reflecting what that exchange has agreed to do by contractual agreement with ISE, but Rule 508 is not binding on the other exchange.

Fee Schedule

The Exchange proposes to add a new section to its fee schedule to inform its members regarding what fees will apply to transactions in the listed options of a Disabled Exchange effected on a Back-up Exchange under Rule 508. The new section provides that if ISE is the Disabled Exchange, the Back-up Exchange has agreed to apply the per contract and per contract side fees in the ISE fee schedule to transactions in ISE exclusively listed options trading on the ISE facility on the Back-up Exchange. If any other ISE listed options are traded on the Back-up Exchange (such as ISE singly listed options that are listed by the Back-up Exchange) pursuant to ISE Rule 508, the fee schedule of the Back-up Exchange shall apply to such trades. The new section contains a second paragraph stating the converse if ISE is the Back-up Exchange under Rule 508.

Proposed Rule 509

The Exchange proposes to adopt a general emergency rule in proposed Rule 509. Although not directly required for the implementation of the back-up trading arrangements, the Exchange believes that it is appropriate to adopt such a rule in conjunction with implementing the back-up trading arrangements. Currently, there is no Exchange rule that grants specific authority in an emergency to any person or persons to take all actions necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act. In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act,[10] in that it is designed to perfect the mechanism of a free and open market and to protect investors and the public interest.

The ISE believes that it is important that it develop back-up trading arrangements in order to minimize the potential disruption and market impact that a Disabling Event could cause. The proposed rule changes are designed to address the key elements necessary to mitigate the effects of a Disabling Event affecting the Exchange, minimize the impact of such an event on market participants, and provide for a liquid and orderly marketplace for securities listed and traded on the Exchange if a Disabling Event occurs. In particular, the proposed rule change is intended to ensure that ISE's exclusively listed and singly listed products will have a trading venue in the event that trading at ISE is prevented due to a Disabling Event. The Exchange believes that having these back-up trading arrangements in place will minimize potential disruptions to the markets and investors if a catastrophe occurs that requires the Exchange's primary facility to be closed for an extended period. Other options exchanges, such as the CBOE and Phlx, have similar arrangements in place,[11] and the Exchange believes that it is important to the protection of investors and the public interest that it also adopt rules that allow ISE exclusively and singly listed options to continue to trade in the event of a Disabling Event. The proposed rule change also provides authority for the ISE to provide a back-up trading venue should another exchange be affected by a Disabling Event, which will benefit the markets and investors if a Disabling Event were to happen on another exchange that has entered into a back-up trading arrangement with the ISE. Finally, the proposed rule change grants authority to Exchange officials to take action under emergency conditions, which should enable key actions to be taken by ISE representatives in the event of a Disabling Event, and clarifies the fees that will apply if these back-up trading arrangements are invoked, which will reduce investor confusion and minimize the disruption to investors associated with a Disabling Event.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As explained above, the Exchange believes that it is important that it have back-up trading arrangements in place in order to minimize the potential disruption and market impact that a Disabling Event could cause. The proposed back-up trading arrangements are not designed to have any competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] Because the proposed rule change does not (i) significantly affect the protection of

[9] CBOE and Phlx received approval to handle enforcement jurisdiction in this manner. *See* supra note 6.

[10] 15 U.S.C. 78f(b)(5).

[11] *See* supra notes 5 and 6.

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will allow it to immediately enter into a back-up trading arrangement with another exchange, which will enable market participants to continue to trade exclusively and singly listed options of the ISE in the event of a Disabling Event. The Exchange also stated that having this back-up trading arrangement in place is important for the protection of investors and the public interest because it will minimize potential disruptions to the markets and investors that might otherwise occur if the ISE experiences a Disabling Event. Based on the Exchange representations above, and since the proposal is based, in part, on a proposal submitted by the CBOE and approved by the Commission,[17] the Commission waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[19] of the Act to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2013–61 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2013–61. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2013–61 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30443 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See supra* note 5 and 6.

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71095; File No. SR–NYSEMKT–2013–100]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending Its Program That Allows Transactions To Take Place at a Price That Is Below $1 Per Option Contract Until January 5, 2015

December 17, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on December 5, 2013, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend its program that allows transactions to take place at a price that is below $1 per option contract until January 5, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the Pilot Program[4] under Rule 968NY to allow accommodation transactions ("Cabinet Trades") to take place at a price that is below $1 per option contract for one additional year. The Exchange proposes to extend the program, which is due to expire on January 5, 2014, until January 5, 2015.

An "accommodation" or "cabinet" trade refers to trades in listed options on the Exchange that are worthless and typically not actively traded. Cabinet trading is generally conducted in accordance with the Exchange Rules, except as provided in Exchange Rule 968NY Accommodation Transactions (Cabinet Trades), which sets forth specific procedures for engaging in cabinet trades. Rule 968NY currently provides for cabinet transactions to occur via open outcry at a cabinet price of a $1 per option contract in any options series open for trading on the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of $1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market Maker or provided in response to a request by a Trading Official, a Floor Broker or a Market Maker, but must yield priority to all resting orders in the Cabinet (those orders held by the Trading Official, and which resting cabinet orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at $1 per option contract.

The Exchange has temporarily amended the procedures through January 5, 2014 to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option contract. These lower-priced transactions are permitted to be traded pursuant to the same procedures applicable to $1 cabinet trades, except that (i) bids and offers for opening transactions are only permitted to accommodate closing transactions in order to limit use of the procedure to liquidations of existing positions, and (ii) the procedures are also made available for trading in option classes participating in the Penny Pilot Program.[5] The Exchange believes that allowing a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly in the event where there has been a significant move in the price of the underlying security that results in a large number of series being out-of-the-money. For example, a market participant might have a long position in a put series with a strike price of $30 and the underlying stock might be trading at $100. In such an instance, there might not otherwise be a market for that person to close-out the position even at the $1 cabinet price (*e.g.*, the series might be quoted no bid).

As with other accommodation liquidations under Rule 968NY, transactions that occur for less than $1 will not be disseminated to the public on the consolidated tape. In addition, as with other accommodation liquidations under Rule 968NY the transactions will be exempt from the Consolidated Options Audit Trail ("COATS") requirements of Exchange Rule 955NY Order Format and System Entry Requirements. However, the Exchange will maintain quotation, order and transaction information for the transactions in the same format as the COATS data is maintained. In this regard, all transactions for less than $1 must be reported to the Exchange following the close of each business day.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[6] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5)[7] in particular in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that allowing for liquidations at a price less than $1 per option contract will better facilitate the closing of options positions that are worthless or not actively trading, especially in Penny Pilot issues where Cabinet Trades are not otherwise permitted.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is to extend an established pilot program for one additional year and continue to facilitate ATP Holders ability to close positions in worthless or not actively traded series.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[10]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if

[4] *See* Securities Exchange Act Release No. 63475 (December 8, 2010), 75 FR 77932 (December 14, 2010) (SR–NYSE Amex-2010–114).

[5] Currently the $1 cabinet trading procedures are limited to options classes traded in $0.05 or $0.10 standard increment. The $1 cabinet trading procedures are not available in Penny Pilot Program classes because in those classes an option series can trade in a standard increment as low as $0.01 per share (or $1.00 per option contract with a 100 share multiplier). Because the temporary procedures allow trading below $0.01 per share (or $1.00 per option contract with a 100 share multiplier), the procedures are available for all classes, including those classes participating in the Penny Pilot Program.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2013–100 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–100. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2013–100 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30446 Filed 12–20–13; 8:45 am]

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[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71090; File No. SR–OCC–2013–22]

Self-Regulatory Organizations; Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Make a Non-Material Housekeeping Rule Change So That OCC's Membership Qualifications Accurately Reflect Current Operational Practices

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 6, 2013, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of this proposed rule change is to make a non-material "housekeeping" change to OCC's membership standards so that such standards better reflect current operational practices.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(i) Purpose

The purpose of this proposed rule change is to make a non-material "housekeeping" change to OCC's membership standards so that such standards better reflect current operational practices. Prior to electronic trading, clearing members were required to have the operational capacity to manually compare trades and reconcile unconfirmed and advisory trades, in accordance with applicable exchange rules and procedures, on a timely and efficient basis so that financial markets, and specifically clearing operations, functioned in a prompt and accurate manner. Accordingly, Article V, Section 1, Interpretations and Policies .02(b) of OCC's By-Laws required clearing member applicants to have such operational capacity as a condition to admission as a clearing member. However, due to industry-wide implementation of electronic systems and processes, manual trade comparison and reconciliation by clearing members no longer occurs. Accordingly, OCC's membership requirement mandating that clearing members have the capacity to manually compare and reconcile trades is no longer required. Also, OCC only receives matched trades from exchanges and exchange rules and procedures regarding manual trade comparison and reconciliation are obsolete. Therefore, OCC proposes to remove its membership requirement concerning a clearing members' operational capacity to manually compare trades and reconcile unconfirmed and advisory trades on a timely and efficient basis as it is no longer applicable.

(ii) Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[3] because it helps foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions as well as removes impediments to and perfects the mechanism of a national system for the prompt and accurate

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78q–1(b)(3)(F).

clearance and settlement of securities transactions. The proposed change will update OCC's By-Laws to better reflect the current operational and technological environment of OCC and its clearing members by removing a legacy membership requirement. The proposed rule change is not inconsistent with any rules of OCC, including those proposed to be amended.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impact, or impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[4] The proposed change, which will apply to all clearing members, is housekeeping in nature and will better align OCC's membership requirements with both its own as well as its clearing members' current operational practices. Accordingly, the proposed change will reduce unnecessary administrative burdens on its clearing members, including any such burdens that may impact competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comment@sec.gov*. Please include File Number SR–OCC–2013–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington DC 20549–1090.

All submissions should refer to File Number SR–OCC–2013–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for Web site viewing and printing in the Commission's Public Reference Room Section located at 100 F Street, NE., Washington DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_2013_22.pdf*.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2013–22 and should be submitted on or before January 13, 2014.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[5]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30441 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78q–1(b)(3)(I).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71103; File No. SR–CBOE–2013–124]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Penny Pilot Program

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 12, 2013, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules relating to the Penny Pilot Program.

(additions are *italicized*; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.42. Minimum Increments for Bids and Offers

The Board of Directors may establish minimum increments for options traded on the Exchange. When the Board of Directors determines to change the minimum increments, the Exchange will designate such change as a stated policy, practice, or interpretation with respect to the administration of Rule 6.42 within the meaning of subparagraph (3)(A) of subsection 19(b) of the Exchange Act and will file a rule change for effectiveness upon filing with the Commission. Until such time as the Board of Directors makes a change to the minimum increments, the following minimum increments shall apply to options traded on the Exchange:

(1) No change.

(2) No change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(3) The decimal increments for bids and offers for all series of the option classes participating in the Penny Pilot Program are: $0.01 for all option series quoted below $3 (including LEAPS), and $0.05 for all option series $3 and above (including LEAPS). For QQQQs, IWM, and SPY, the minimum increment is $0.01 for all option series. The Exchange may replace any option class participating in the Penny Pilot Program that has been delisted with the next most actively-traded, multiply-listed option class, based on national average daily volume in the preceding six calendar months, that is not yet included in the Pilot Program. Any replacement class would be added on the second trading day following [July 1, 2013] *January 1, 2014*. The Penny Pilot shall expire on [December 31, 2013] *June 30, 2014*.

(4) No change.

. . . *Interpretations and Policies:*

.01–.03 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Penny Pilot Program (the "Pilot Program") is scheduled to expire on December 31, 2013. CBOE proposes to extend the Pilot Program until June 30, 2014. CBOE believes that extending the Pilot Program will allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

During this extension of the Pilot Program, CBOE proposes that it may replace any option class that is currently included in the Pilot Program and that has been delisted with the next most actively traded, multiply listed option class that is not yet participating in the Pilot Program ("replacement class"). Any replacement class would be determined based on national average daily volume in the preceding six months,[3] and would be added on the second trading day following January 1, 2014. CBOE will employ the same parameters to prospective replacement classes as approved and applicable in determining the existing classes in the Pilot Program, including excluding high-priced underlying securities.[4] CBOE will announce to its Trading Permit Holders by circular any replacement classes in the Pilot Program.

CBOE is specifically authorized to act jointly with the other options exchanges participating in the Pilot Program in identifying any replacement class.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the proposed rule change allows for an extension of the Pilot Program for the benefit of market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. In addition, the Exchange has been authorized to act jointly in extending the Pilot Program and believes the other exchanges will be filing similar extensions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[12] However,

[3] The month immediately preceding a replacement class's addition to the Pilot Program (i.e. December) would not be used for purposes of the six-month analysis. Thus, a replacement class to be added on the second trading day following January 1, 2014 would be identified based on The Option Clearing Corporation's trading volume data from June 1, 2013 through November 30, 2013.

[4] *See* Securities Exchange Act Release No. 60864 (October 22, 2009) (SR–CBOE–2009–76).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule

Continued

pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[14] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2013–124 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–124. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–124 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30449 Filed 12–20–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71107; File No. SR–BX–2013–061]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on December 13, 2013, NASDAQ OMX BX, Inc. ("Exchange" or "BX") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX is filing with the Commission a proposal to amend Chapter VI, Section 5 (Minimum Increments) to: extend through June 30, 2014, the Penny Pilot Program in options classes in certain issues ("Penny Pilot" or "Pilot"), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *italicized* and proposed deleted language is [bracketed].

NASDAQ OMX BX Rules

Options Rules

* * * * *

Chapter VI Trading Systems

* * * * *

Sec. 5 Minimum Increments

(a) The Board may establish minimum quoting increments for options contracts traded on BX Options. Such minimum increments established by the Board will be designated as a stated policy, practice, or interpretation with respect to the administration of this Section within the meaning of Section 19 of the Exchange Act and will be filed with the SEC as a rule change for effectiveness upon filing. Until such time as the Board makes a change in the increments, the following principles shall apply:

(1) If the options series is trading at less than $3.00, five (5) cents;

(2) If the options series is trading at $3.00 or higher, ten (10) cents; and

(3) For a pilot period scheduled to expire on [December 31, 2013] *June 30, 2014*, if the options series is trading pursuant to the Penny Pilot program one (1) cent if the options series is trading at less than $3.00,

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change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *See* Securities Exchange Act Release No. 61051 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44). *See also supra* note 4.

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in June 2012 and extended in June 2013. *See* Securities Exchange Act Release Nos. 67256 (June 26, 2012), 77 FR 39277 (July 2, 2012) (SR–BX–2012–030) (order approving BX option rules and establishing Penny Pilot); and 69784 (June 18, 2013), 78 FR 37873 (June 24, 2013) (SR–BX–2013–039)(notice of filing and immediate effectiveness extending the Penny Pilot through December 31, 2013).

five (5) cents if the options series is trading at $3.00 or higher, unless for QQQQs, SPY and IWM where the minimum quoting increment will be one cent for all series regardless of price. A list of such options shall be communicated to membership via an Options Trader Alert ("OTA") posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [July 1, 2013] *January 1, 2014.*

(4) No Change.

(b) No Change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Chapter VI, Section 5 to extend the Penny Pilot through June 30, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock ("QQQQ"), the SPDR S&P 500 Exchange Traded Fund ("SPY") and the iShares Russell 2000 Index Fund ("IWM"), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on December 31, 2013.

The Exchange proposes to extend the time period of the Penny Pilot through June 30, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following January 1, 2014. The replacement issues will be selected based on trading activity in the previous six months [4] [sic]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5) of the Act [6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through June 30, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following January 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from June 1, 2013 through November 30, 2013. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. December) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) [7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) [9] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

the date of the filing.[11] However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[13] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2013–061 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2013–061. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of BX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–061 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30453 Filed 12–20–13; 8:45 am]

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[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[14] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71105; File No. SR–NASDAQ–2013–154]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program and Replacement of Penny Pilot Issues That Have Been Delisted

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on December 13, 2013, The NASDAQ Stock Market LLC ("NASDAQ" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is filing with the Commission a proposal to amend Chapter VI, Section 5 (Minimum Increments) of the rules of the NASDAQ Options Market ("NOM") to extend through June 30, 2014, the Penny Pilot Program in options classes in certain issues ("Penny Pilot" or "Pilot"), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *italicized* and proposed deleted language is [bracketed].

NASDAQ Stock Market Rules

Options Rules

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in March 2008 and was last extended in June 2013. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); and 69787 (June 18, 2013), 78 FR 37858 (June 24, 2013) (SR–NASDAQ–2013–082) (notice of filing and immediate effectiveness extending the Penny Pilot through December 31, 2013).

Chapter VI Trading Systems

* * * * *

Sec. 5 Minimum Increments

(a) The Board may establish minimum quoting increments for options contracts traded on NOM. Such minimum increments established by the Board will be designated as a stated policy, practice, or interpretation with respect to the administration of this Section within the meaning of Section 19 of the Exchange Act and will be filed with the SEC as a rule change for effectiveness upon filing. Until such time as the Board makes a change in the increments, the following principles shall apply:

(1)–(2) No Change.

(3) For a pilot period scheduled to expire on [December 31, 2013]*June 30, 2014*, if the options series is trading pursuant to the Penny Pilot program one (1) cent if the options series is trading at less than $3.00, five (5) cents if the options series is trading at $3.00 or higher, unless for QQQQs, SPY and IWM where the minimum quoting increment will be one cent for all series regardless of price. A list of such options shall be communicated to membership via an Options Trader Alert ("OTA") posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [July 1, 2013] *January 1, 2014*.

(4) No Change.

(b) No Change.

* * * * *

The text of the proposed rule change is available from NASDAQ's Web site at *http://nasdaq.cchwallstreet.com*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Chapter VI, Section 5 to extend the Penny Pilot through June 30, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock ("QQQQ"), the SPDR S&P 500 Exchange Traded Fund ("SPY") and the iShares Russell 2000 Index Fund ("IWM"), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on December 31, 2013.

The Exchange proposes to extend the time period of the Penny Pilot through June 30, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following January 1, 2014. The replacement issues will be selected based on trading activity in the previous six months.[4]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through June 30, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following January 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from June 1, 2013 through November 30, 2013. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. December) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

19(b)(3)(A)(iii) [7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) [9] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[11] However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[13] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[14] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2013–154 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–154. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NASDAQ. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2013–154 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30451 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71093; File No. SR–CBOE–2013–118]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Trades for Less Than $1

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 6, 2013, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to extend its program that allows transactions to take place at a price that is below $1 per option contract through January 5, 2015. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. *Purpose*

An "accommodation" or "cabinet" trade refers to trades in listed options on the Exchange that are worthless or not actively traded. Cabinet trading is generally conducted in accordance with the Exchange Rules, except as provided in Exchange Rule 6.54, *Accommodation Liquidations (Cabinet Trades),* which sets forth specific procedures for engaging in cabinet trades. Rule 6.54 currently provides for cabinet transactions to occur via open outcry at a cabinet price of $1 per option contract in any options series open for trading in the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of $1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market-Maker or provided in response to a request by a PAR Official/OBO, a Floor Broker or a Market-Maker, but must yield priority to all resting orders in the PAR Official/OBO cabinet book (which resting cabinet book orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at $1 per option contract.

The Exchange has temporarily amended the procedures through January 5, 2014 to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option contract.[5] These lower priced transactions are traded pursuant to the same procedures applicable to $1 cabinet trades, except that (i) bids and offers for opening transactions are only permitted to accommodate closing transactions in order to limit use of the procedure to liquidations of existing positions, and (ii) the procedures are also available for trading in option classes participating in the Penny Pilot Program.[6] The Exchange believes that allowing a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly due to market conditions which may result in a significant number of series being out-of-the-money. For example, a market participant might have a long position in a call series with a strike price of $100 and the underlying stock might now be trading at $30. In such an instance, there might not otherwise be a market for that person to close-out the position even at the $1 cabinet price (*e.g.,* the series might be quoted no bid).[7]

The purpose of the instant rule change is to extend the operation of these temporary procedures through January 5, 2015, so that the procedures can continue without interruption while CBOE considers whether to seek permanent approval of the temporary procedures.

2. *Statutory Basis*

The Exchange believes the proposed rule change is consistent with the Act[8] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that allowing for liquidations at a price less than $1 per option contract better facilitates the closing of options positions that are worthless or not actively trading. Further, the Exchange believes the proposal is consistent with the Act because the proposed extension is of appropriate length to allow the Exchange and the Commission to continue to assess the impact of the Exchange's authority to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option in accordance with its attendant obligations and conditions, including the process for submitting such transactions to OCC for clearing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that allowing for liquidations at a price less than $1 per option contract better facilitates the closing of options positions that are

[5] *See* Securities Exchange Act Release Nos. 59188 (December 30, 2008), 74 FR 480 (January 6, 2009)(SR–CBOE–2008–133)(adopting the amended procedures on a temporary basis through January 30, 2009), 59331 (January 30, 2009), 74 FR 6333 (February 6, 2009)(extending the amended procedures on a temporary basis through May 29, 2009), 60020 (June 1, 2009), 74 FR 27220 (June 8, 2009)(SR–CBOE–2009–034)(extending the amended procedures on a temporary basis through June 1, 2010), 62192 (May 28, 2010), 75 FR 31828 (June 4, 2010)(SR–CBOE–2010–052)(extending the amended procedures on a temporary basis through June 1, 2011); 64403 (May 4, 2011), 76 FR 27110 (May 10, 2011)(SR–CBOE–2011–048)(extending the amended procedures on a temporary basis through December 30, 2011); 65872 (December 2, 2011), 76 FR 76788 (December 8, 2011)(SR–CBOE–2011–113)(extending the amended procedures on a temporary basis through June 29, 2012) 67144 (June 6, 2012), 77 FR 35095 (June 12, 2012)(SR–CBOE–2012–053)(extending the amended procedures on a temporary basis through June 28, 2013), and 69854 (June 25, 2013), 78 FR 39424 (July 1, 2013)(SR–CBOE–2013–063) and 69893 (June 28, 2013), 78 FR 40539 (July 5, 2013)(both extending the amended procedures on a temporary basis through January 5, 2014).

[6] Currently the $1 cabinet trading procedures are limited to options classes traded in $0.05 or $0.10 standard increment. The $1 cabinet trading procedures are not available in Penny Pilot Program classes because in those classes an option series can trade in a standard increment as low as $0.01 per share (or $1.00 per option contract with a 100 share multiplier). Because the temporary procedures allow trading below $0.01 per share (or $1.00 per option contract with a 100 share multiplier), the procedures are available for all classes, including those classes participating in the Penny Pilot Program.

[7] As with other accommodation liquidations under Rule 6.54, transactions that occur for less than $1 are not be disseminated to the public on the consolidated tape. In addition, as with other accommodation liquidations under Rule 6.54, the transactions are exempt from the Consolidated Options Audit Trail ("COATS") requirements of Exchange Rule 6.24, *Required Order Information.* However, the Exchange maintains quotation, order and transaction information for the transactions in the same format as the COATS data is maintained. In this regard, all transactions for less than $1 must be reported to the Exchange following the close of each business day. The rule also provides that transactions for less than $1 will be reported for clearing utilizing forms, formats and procedures established by the Exchange from time to time. In this regard, the Exchange initially intends to have clearing firms directly report the transactions to The Options Clearing Corporation ("OCC") using OCC's position adjustment/transfer procedures. This manner of reporting transactions for clearing is similar to the procedure that CBOE currently employs for on-floor position transfer packages executed pursuant to Exchange Rule 6.49A, *Transfer of Positions.*

[8] 15 U.S.C. 78s(b)(1).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

worthless or not actively trading. The Exchange believes this promotes fair and orderly markets, as well as assists the Exchange in its ability to effectively attract order flow and liquidity to its market, and ultimately benefits all CBOE TPHs and all investors.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change does not make any changes to Exchange rules, but simply extends an existing temporary program. Further, the program is available to all market participants through CBOE TPHs. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, again, the proposed rule change does not make any changes to Exchange rules, but simply extends an existing temporary program. Moreover, to the extent that the program makes CBOE a more attractive marketplace, as noted above, the program is available to all market participants through CBOE TPHs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[11] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2013–118 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–118. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–118 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30444 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[11] The Exchange has fulfilled this requirement.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71104; File No. SR–C2–2013–041]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 12, 2013, C2 Options Exchange, Incorporated (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to proposes to [sic] amend its rules relating to the Penny Pilot Program. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

C2 Options Exchange, Incorporated Rules

* * * * *

Rule 6.4. Minimum Increments for Bids and Offers

The Board of Directors may establish minimum quoting increments for options traded on the Exchange. When the Board of Directors determines to change the minimum increments, the Exchange will designate such change as a stated policy, practice, or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

interpretation with respect to the administration of this Rule within the meaning of subparagraph (3)(A) of subsection 19(b) of the Exchange Act and will file a rule change for effectiveness upon filing with the Commission. Until such time as the Board of Directors makes a change to the minimum increments, the following minimum increments shall apply to options traded on the Exchange:

(1) No change.

(2) No change.

(3) The decimal increments for bids and offers for all series of the option classes participating in the Penny Pilot Program are: $0.01 for all option series quoted below $3 (including LEAPS), and $0.05 for all option series $3 and above (including LEAPS). For QQQQs, IWM, and SPY, the minimum increment is $0.01 for all option series. The Exchange may replace any option class participating in the Penny Pilot Program that has been delisted with the next most actively-traded, multiply-listed option class, based on national average daily volume in the preceding six calendar months, that is not yet included in the Pilot Program. Any replacement class would be added on the second trading day following [July 1, 2013] *January 1, 2014*. The Penny Pilot shall expire on [December 31, 2013] *June 30, 2014*. Also, for so long as SPDR options (SPY) and options on Diamonds (DIA) participate in the Penny Pilot Program, the minimum increments for Mini-SPX Index Options (XSP) and options on the Dow Jones Industrial Average (DJX), respectively, may be $0.01 for all option series quoting less than $3 (including LEAPS), and $0.05 for all option series quoting at $3 or higher (including LEAPS).

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site *http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Penny Pilot Program (the "Pilot Program") is scheduled to expire on December 31, 2013. C2 proposes to extend the Pilot Program until June 30, 2014. C2 believes that extending the Pilot Program will allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

During this extension of the Pilot Program, C2 proposes that it may replace any option class that is currently included in the Pilot Program and that has been delisted with the next most actively traded, multiply listed option class that is not yet participating in the Pilot Program ("replacement class"). Any replacement class would be determined based on national average daily volume in the preceding six months,[3] and would be added on the second trading day following January 1, 2014. C2 will announce to its Trading Permit Holders by circular any replacement classes in the Pilot Program.

C2 is specifically authorized to act jointly with the other options exchanges participating in the Pilot Program in identifying any replacement class.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposed rule change allows for an extension of the Pilot Program for the benefit of market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. In addition, the Exchange has been authorized to act jointly in extending the Pilot Program and believes the other exchanges will be filing similar extensions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)(iii) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after

[3] The month immediately preceding a replacement class's addition to the Pilot Program (i.e. December) would not be used for purposes of the six-month analysis. Thus, a replacement class to be added on the second trading day following January 1, 2014 would be identified based on The Option Clearing Corporation's trading volume data from June 1, 2013 through November 30, 2013.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6)(iii).

the date of the filing.[10] However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[12] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2013–041 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2013–041. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2013–041 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30450 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[13] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71094; File No. SR–NYSEARCA–2013–140]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending Its Program That Allows Transactions To Take Place at a Price That Is Below $1 Per Option Contract Until January 5, 2015

December 17, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 5, 2013, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend its program that allows transactions to take place at a price that is below $1 per option contract until January 5, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the Pilot Program [4] under Rule 6.80 to allow accommodation transactions ("Cabinet Trades") to take place at a price that is below $1 per option contract for one additional year. The Exchange proposes to extend the program, which is due to expire on January 5, 2014 until January 5, 2015.

An "accommodation" or "cabinet" trade refers to trades in listed options on the Exchange that are worthless or not actively traded. Cabinet trading is generally conducted in accordance with the Exchange Rules, except as provided in Exchange Rule 6.80 Accommodation Transactions (Cabinet Trades), which sets forth specific procedures for engaging in cabinet trades. Rule 6.80 currently provides for cabinet transactions to occur via open outcry at a cabinet price of a $1 per option contract in any options series open for trading in the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of $1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market Maker or provided in response to a request by a Trading Official, a Floor Broker or a Market Maker, but must yield priority to all resting orders in the Cabinet (those orders held by the Trading Official, and which resting cabinet orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at $1 per option contract.

The Exchange has temporarily amended the procedures through January 5, 2014 to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option contract. These lower-priced transactions are permitted to be traded pursuant to the same procedures applicable to $1 cabinet trades, except that (i) bids and offers for opening transactions are only permitted to accommodate closing transactions in order to limit use of the procedure to liquidations of existing positions, and (ii) the procedures are also made available for trading in option classes participating in the Penny Pilot Program.[5] The Exchange believes that allowing a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly in the event where there has been a significant movement in the price of the underlying security that results in a large number of series being out-of-the-money. For example, a market participant might have a long position in a put series with a strike price of $30 and the underlying stock might be trading at $100. In such an instance, there might not otherwise be a market for that person to close-out the position even at the $1 cabinet price (e.g., the series might be quoted no bid).

As with other accommodation liquidations under Rule 6.80, transactions that occur for less than $1 will not be disseminated to the public on the consolidated tape. In addition, as with other accommodation liquidations under Rule 6.80, the transactions will be exempt from the Consolidated Options Audit Trail ("COATS") requirements of Exchange Rule 6.67 Order Format and System Entry Requirements. However, the Exchange will maintain quotation, order and transaction information for the transactions in the same format as the COATS data is maintained. In this regard, all transactions for less than $1 must be reported to the Exchange following the close of each business day.

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[6] in general, and furthers the objectives of Section 6(b)(5) of the Act [7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that allowing for liquidations at a price less than $1 per option contract will better facilitate the closing of options positions that are worthless or not actively trading, especially in Penny Pilot issues where Cabinet Trades are not otherwise permitted.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule

[4] *See* Securities Exchange Act Release No. 63476 (December 8, 2010), 75 FR 77930 (December 14, 2010) (SR–NYSE Arca– 2010–109).

[5] Currently the $1 cabinet trading procedures are limited to options classes traded in $0.05 or $0.10 standard increment. The $1 cabinet trading procedures are not available in Penny Pilot Program classes because in those classes an option series can trade in a standard increment as low as $0.01 per share (or $1.00 per option contract with a 100 share multiplier). Because the temporary procedures allow trading below $0.01 per share (or $1.00 per option contract with a 100 share multiplier), the procedures are available for all classes, including those classes participating in the Penny Pilot Program.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEARCA–2013–140 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2013–140. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2013–140 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30445 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 71096; File No. SR–Phlx–2013–120]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Cabinet Trading Pilot Program

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 4, 2013, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot program in Rule 1059, Accommodation Transactions, to allow cabinet trading to take place below $1 per option contract under specified circumstances (the "pilot program").

The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

NASDAQ OMX PHLX Rules

* * * * *

Options Rules

* * * * *

Rule 1059. Accommodation Transactions

(a)–(b) No change.

• • • **COMMENTARY:** _____

.01 No change.

.02 Limit Orders Priced Below $1: Limit orders with a price of at least $0 but less than $1 per option contract may trade under the terms and conditions in Rule 1059 above in each series of option contracts open for trading on the Exchange, except that:

(a)–(c) No change.

(d) Unless otherwise extended, the effectiveness of the Commentary .02 terminates January 5, [2014] *2015* or, upon permanent approval of these procedures by the Securities and Exchange Commission, whichever occurs first.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the pilot program in Commentary .02 of Exchange Rule 1059, Accommodation Transactions, which sets forth specific procedures for engaging in cabinet trades, to allow the Commission adequate time to consider permanently allowing transactions to take place on the Exchange in open outcry at a price of at least $0 but less than $1 per option contract.[3] Prior to the pilot program, Rule 1059 required that all orders placed in the cabinet were assigned priority based upon the sequence in which such orders were received by the specialist. All closing bids and offers would be submitted to the specialist in writing, and the specialist effected all closing cabinet transactions by matching such orders placed with him. Bids or offers on orders to open for the accounts of customer, firm, specialists and Registered Options Traders ("ROTs") could be made at $1 per option contract, but such orders could not be placed in and must yield to all orders in the cabinet. Specialists effected all cabinet

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Cabinet or accommodation trading of option contracts is intended to accommodate persons wishing to effect closing transactions in those series of options dealt in on the Exchange for which there is no auction market.

transactions by matching closing purchase or sale orders which were placed in the cabinet or, provided there was no matching closing purchase or sale order in the cabinet, by matching a closing purchase or sale order in the cabinet with an opening purchase or sale order.[4] All cabinet transactions were reported to the Exchange following the close of each business day.[5] Any (i) member, (ii) member organization, or (iii) other person who was a non-member broker or dealer and who directly or indirectly controlled, was controlled by, or was under common control with, a member or member organization (any such other person being referred to as an affiliated person) could effect any transaction as principal in the over-the-counter market in any class of option contracts listed on the Exchange for a premium not in excess of $1.00 per contract.

On December 30, 2010, the Exchange filed an immediately effective proposal that established the pilot program being extended by this filing. The pilot program allowed transactions to take place in open outcry at a price of at least $0 but less than $1 per option contract until June 1, 2011.[6] These lower priced transactions are traded pursuant to the same procedures applicable to $1 cabinet trades, except that pursuant to the pilot program (i) bids and offers for opening transactions are only permitted to accommodate closing transactions in order to limit use of the procedure to liquidations of existing positions, and (ii) the procedures are also made available for trading in options participating in the Penny Pilot Program.[7] On May 31, 2011, the Exchange filed an immediately effective proposal that extended the pilot program until December 1, 2011 to consider whether to seek permanent approval of the temporary procedure.[8] On November 30, 2011, the Exchange filed an immediately effective proposal that extended the pilot program until June 1, 2012.[9] On May 29, 2012, the Exchange filed an immediately effective proposal that extended the pilot program until December 1, 2012.[10] On November 1, 2012, the Exchange filed an immediately effective proposal that extended the pilot program until June 1, 2013.[11] On May 8, 2013, the Exchange filed an immediately effective proposal that extended the pilot program until January 5, 2014.[12] The Exchange now proposes an extension of the pilot program to allow additional time to consider its effects while the pilot program continues uninterrupted.

The Exchange believes that allowing a price of at least $0 but less than $1 will continue to better accommodate the closing of options positions in series that are worthless or not actively traded, particularly due to recent market conditions which have resulted in a significant number of series being out-of-the-money. For example, a market participant might have a long position in a call series with a strike price of $100 and the underlying stock might now be trading at $30. In such an instance, there might not otherwise be a market for that person to close-out its position even at the $1 cabinet price (*e.g.*, the series might be quoted no bid).

The Exchange hereby seeks to extend the pilot period for such $1 cabinet trading until January 5, 2015. The Exchange seeks this extension to allow the procedures to continue without interruption.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(5) of the Act,[14] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange believes that allowing for liquidations at a price less than $1 per option contract pursuant to the pilot program will better facilitate the closing of options positions that are worthless or not actively trading, especially in Penny Pilot issues where cabinet trades are not otherwise permitted. The Exchange believes the extension is of sufficient length to allow the Commission to assess the impact of the Exchange's authority to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option in accordance with its attendant obligations and conditions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposal does not raise any issues of intra-market competition because it applies to all options participants in the same manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

[4] Specialists and ROTs are not subject to the requirements of Rule 1014 in respect of orders placed pursuant to this Rule. Also, the provisions of Rule 1033(b) and (c), Rule 1034 and Rule 1038 do not apply to orders placed in the cabinet. Cabinet transactions are not reported on the ticker.

[5] *See* Exchange Rule 1059.

[6] Phlx Rule 1059, Commentary .02; *See* Securities Exchange Act Release No. 63626 (December 30, 2010), 76 FR 812 (January 6, 2011) (SR-Phlx-2010–185).

[7] Prior to the pilot, the $1 cabinet trading procedures were limited to options classes traded in $0.05 or $0.10 standard increments. The $1 cabinet trading procedures were not available in Penny Pilot Program classes because in those classes, an option series could trade in a standard increment as low as $0.01 per share (or $1.00 per option contract with a 100 share multiplier). The pilot allows trading below $0.01 per share (or $1.00 per option contract with a 100 share multiplier) in all classes, including those classes participating in the Penny Pilot Program.

[8] *See* Securities Exchange Act Release No. 64571 (May 31, 2011), 76 FR 32385 (June 6, 2011) (SR-Phlx-2011–72).

[9] *See* Securities Exchange Act Release No. 65852 (November 30, 2011), 76 FR 76212 (December 6, 2011) (SR-Phlx-2011–156).

[10] *See* Securities Exchange Act Release No. 67106 (June 4, 2012), 77 FR 34108 (June 8, 2012) (SR-Phlx-2012–74).

[11] *See* Securities Exchange Act Release No. 68201 (November 9, 2012), 77 FR 68871 (November 16, 2012) (SR-Phlx-2012–131).

[12] *See* Securities Exchange Act Release No. 69583 (May 15, 2013), 78 FR 30380 (May 22, 2013) (SR-Phlx-2013–53).

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(a)(ii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2013–120 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–Phlx–2013–120*. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013–120 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30447 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71098; File No. SR–NASDAQ–2013–152]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Describe the Implementation of Rule 4626(b)(3)

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 9, 2013, The NASDAQ Stock Market LLC ("NASDAQ" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to describe the implementation of Rule 4626(b)(3). There is no text of the proposed rule change. The complete text of the filing is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

I. Introduction

On March 22, 2013, the Commission approved a proposal by Nasdaq to establish a one-time voluntary accommodation policy for claims arising from system difficulties that Nasdaq experienced during the initial public offering ("IPO") of Facebook, Inc. ("Facebook" or "FB") on May 18, 2012.[3] Rule 4626 limits the liability of Nasdaq and its affiliates with respect to any losses, damages, or other claims arising out of the Nasdaq Market Center or its use and provides for limited accommodations under the conditions specified in the rule.[4] Rule 4626(b)(1) provides that for the aggregate of all claims made by market participants related to the use of the Nasdaq Market Center during a single calendar month, Nasdaq's payments under Rule 4626 shall not exceed the larger of $500,000 or the amount of the recovery obtained by Nasdaq under any applicable insurance policy. Rule 4626(b)(2) states that for the aggregate of all claims made by market participants related to systems malfunctions or errors of the Nasdaq Market Center concerning locked/crossed compliance, trade through protection, market maker quoting, order protection, or firm quote compliance, during a single calendar month Nasdaq's payments under Rule 4626 shall not exceed the larger of

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[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 69216 (March 22, 2013), 78 FR 19040 (March 28, 2013) (SR–NASDAQ–2012–090) ("Approval Order"). See also Securities Exchange Act Release No. 67507 (July 26, 2012), 77 FR 45706 (August 1, 2012) (SR–NASDAQ–2012–090) ("Proposing Release").

[4] Rule 4626(a) provides that except as set forth in the accommodation portion of the rule, "Nasdaq and its affiliates shall not be liable for any losses, damages, or other claims arising out of the Nasdaq Market Center or its use. Any losses, damages, or other claims, related to a failure of the Nasdaq Market Center to deliver, display, transmit, execute, compare, submit for clearance and settlement, adjust, retain priority for, or otherwise correctly process an order, Quote/Order, message, or other data entered into, or created by, the Nasdaq Market Center shall be absorbed by the member, or the member sponsoring the customer, that entered the order, Quote/Order, message, or other data into the Nasdaq Market Center."

$3,000,000 or the amount of the recovery obtained by Nasdaq under any applicable insurance policy. Rule 4626(b)(3) establishes a methodology for submission, evaluation, and payment of claims associated with the Facebook IPO.

On May 18, 2012, Nasdaq experienced system difficulties during the Nasdaq Halt and Imbalance Cross Process (the "Cross") for the FB IPO. These difficulties delayed the completion of the Cross from 11:05 a.m. until 11:30 a.m.[5] Based on its assessment of the information available at the time, Nasdaq concluded that the system issues would not have any effects beyond the delay itself. In an exercise of its regulatory authority, Nasdaq determined to proceed with the IPO at 11:30 a.m. rather than postpone it.

As a result of the system difficulties, however, certain orders for FB stock that were entered between 11:11:00 a.m. and 11:30:09 a.m. in the expectation of participating in the Cross—and that were not cancelled prior to 11:30:09 a.m.—either did not execute or executed after 1:50 p.m. at prices other than the $42.00 price established by the Cross. (Other orders entered between 11:11:00 a.m. and 11:30:09 a.m., including cancellations, buy orders below $42.00, and sell orders above $42.00, were handled without incident.) System issues also delayed the dissemination of Cross transaction reports from 11:30 a.m. until 1:50 p.m. At 1:50 p.m., Nasdaq system difficulties were completely resolved.

Rule 4626(b)(3) provides that, as a result of these unique circumstances, Nasdaq will accommodate members for losses attributable to the system difficulties on May 18, 2012 in an amount not to exceed $62 million. Rule 4626(b)(3)(A) provides that all claims for such accommodation must arise solely from realized or unrealized direct trading losses arising from the following specific Cross orders:

(i) SELL Cross orders that were submitted between 11:11 a.m. and 11:30 a.m. on May 18, 2012, that were priced at $42.00 or less, and that did not execute;

(ii) SELL Cross orders that were submitted between 11:11 a.m. and 11:30 a.m. on May 18, 2012, that were priced at $42.00 or less, and that executed at a price below $42.00;

(iii) BUY Cross orders priced at exactly $42.00 and that were executed in the Cross but not immediately confirmed; and

(iv) BUY Cross orders priced above $42.00 and that were executed in the Cross but not immediately confirmed, but only to the extent entered with respect to a customer that was permitted by the member to cancel its order prior to 1:50 p.m. and for which a request to cancel the order was submitted to Nasdaq by the member, also prior to 1:50 p.m.

As originally approved, Rule 4626(b)(3)(D) provided that all claims related to the FB IPO must be submitted in writing not later than 7 days after formal approval of the FB accommodation proposal by the Commission, which occurred on March 22, 2013. In recognition of the fact that the Passover and Good Friday holidays occurred during the week when claim submissions would otherwise be due, Nasdaq submitted an immediately effective proposed rule change to extend the deadline for claim submission until 11:59 p.m. on April 8, 2013.[6] Nasdaq received claims with respect to 75 market participant identifiers ("MPIDs") within the deadline. Nasdaq did not receive any claims after the deadline.

Rule 4626(d)(3)(D) further provides that all claims shall be processed and evaluated by the Financial Industry Regulation Authority ("FINRA"), applying the standards set forth in Rule 4626. FINRA is authorized to request such supplemental information as it deems necessary to assist its evaluation of claims.

Rule 4626(b)(3)(E) provides that FINRA shall provide to the Nasdaq Board of Directors and the Board of Directors of NASDAQ OMX an analysis of the total value of eligible claims. FINRA has provided the required analysis. The provision further requires that Nasdaq will file with the Commission a rule proposal setting forth the amount of eligible claims under the standards set forth in Rule 4626 and the amount proposed to be paid to members by Nasdaq. This proposed rule change, filed pursuant to authority delegated by the Nasdaq Board of Directors, satisfies this requirement. In addition, the proposed rule change discusses the application of Rule 4626 to certain types of claims. Finally, the proposed rule change discusses the process contemplated for payment of valid claims.

II. FINRA Review Process

For the claim review process, FINRA established a working group consisting of FINRA Market Regulation Department analysts and managers ("FB Claims Team" or "FINRA staff"). During the review process, the designated analysts and managers did not perform any regulatory services for any Nasdaq market, did not purchase FB stock (either in the secondary market or as part of Nasdaq's IPO opening process) and did not own FB stock.[7]

Following the issuance of the Approval Order, Nasdaq made each claim received by Nasdaq (including associated worksheets) available to FINRA by means of an encrypted shared access folder. The FB Claims Team copied the claims and stored them on a FINRA network folder. Access to the FINRA network folder was limited to FINRA staff directly working on the FB claim review process. Throughout the process, the FB Claims Team reconciled with Nasdaq staff the number of claims. After the window for submitting claims closed on April 8, 2013, the FB Claims Team held a meeting with a representative of Nasdaq to verify that each claim received by Nasdaq had been copied to the FINRA network folder.

Upon receipt of a claim, a manager in the FB Claims Team performed a preliminary review of the claim to determine if the information submitted appeared to be accurate and complete per the criteria set forth in the rule filing. For each claim a matter was opened in a FINRA database and the matter was linked back to the claimant's submission for internal tracking purposes.[8]

In several instances, FB Claims Team staff contacted the firm filing the claim to obtain additional information or confirm certain information provided within its claim worksheet. A dedicated email address was established to facilitate all electronic communications with firms. Access to the mailbox was limited to those staff directly working on the FB claim review process.

To assist the FB Claims Team, staff within FINRA's Market Regulation Department developed scripts to retrieve order and execution information related to each order listed on the individual claim worksheets. The

[5] All times in this filing are Eastern Time.

[6] Securities Exchange Act Release No. 69250 (March 28, 2013), 78 FR 20160 (April 3, 2013) (SR–NASDAQ–2013–055).

[7] A Steering Committee, composed of members of senior management of the Market Regulation Department, provided guidance to the FB Claims Team on the resolution of process and substantive issues arising during the course of the FB claim evaluation process, reviewed the form and content of the review summary forms for each claim, and monitored the overall progress of the claim review effort. However, members of the Steering Committee did not participate in the FB Claim Team's assessment of and decisions to recommend the approval or disapproval of individual claims.

[8] If a member firm submitted a claim with multiple MPIDs, the FB Claims staff opened one matter in the tracking system. In the case of claims involving sponsored access arrangements, the FB Claims staff opened one matter in the tracking system under the sponsoring firm.

FB Claims Team was provided with the complete Nasdaq SingleBook order lifecycle, including execution messages, for each IPO Cross order and any corresponding Order Audit Trail System ("OATS") order lifecycles. This information was posted on the same FINRA network where the claim worksheets were stored. Market Regulation staff providing technology support also provided additional data to validate the covering trade information provided by the firms and assisted with ad hoc queries, upon the request of the FB Claims Team. The Market Regulation Department staff providing technology support to the FB Claims Team did not perform any assessment of the eligibility of any individual orders in the claims or make any determination as to whether any such orders were entitled to any accommodation.

The FB Claims Team staff reviewed the information provided by Market Regulation Department technology support staff and compared the information to the order information provided by the firms. In certain instances, staff contacted firms to request additional information or obtain clarification regarding any issues.

After completing the analysis of each order listed in the claim, one of the assigned analysts prepared a review summary memo for supervisory review. The summary memo contained a report of findings, which included sections regarding: (a) The order information; (b) the direct trading losses calculation by the firm; (c) the staff's analysis of the order information broken out by category; and (d) the staff's direct trading losses calculation. Each review summary memo was submitted for two levels of supervisory review.

After receiving FINRA's review summary memos for each claim, Nasdaq reviewed and determined that it concurred with FINRA's analysis. Thereafter, on October 25, 2013, Nasdaq transmitted to members that had submitted claims the results of the analysis for their claims. Based on questions it then received from several members, Nasdaq concluded that there may have been some confusion regarding the scope of permissible claims based on Cross orders to BUY priced at $42. Accordingly, in an effort to ensure that all potential valid claims were fully considered, on November 4, 2013, Nasdaq contacted all claimants to provide them the opportunity to provide FINRA with additional information to support claims with regard to these orders. As a result of this process, the FB Claims Team prepared supplemental review summary memos with respect to several claims. Nasdaq reviewed and determined that it concurred with FINRA's analysis, and the supplemental review summary memos were transmitted to affected members on December 6, 2013.

III. Results

The first category of covered claims, as provided in Rule 4626(b)(3)(A)(i), is SELL Cross orders that were submitted between 11:11 a.m. and 11:30 a.m. on May 18, 2012, that were priced at $42 or less, and that did not execute ("Category I"). Sellers who entered orders priced at $42.00 or less between 11:11 a.m. and 11:30 a.m. would have expected their orders to execute in the Cross, because the Net Order Imbalance Indicator ("NOII") disseminated by Nasdaq indicated that the relative proportion of buy and sell interest would allow the execution, at a price of $42, of all sell orders priced at $42 or less. Accordingly, if such orders did not execute due to Nasdaq's system difficulties, the member entering the order would incur a loss. Under Rule 4626(b)(3)(B), the measure of loss for such orders is the lesser of (i) the differential between the expected execution price of $42 and the actual execution price received, or (ii) the differential between the expected execution price of $42 and a benchmark price of $40.527, which constitutes the volume-weighted average price of FB stock on May 18, 2012, between 1:50 p.m. and 2:35 p.m. (the "Benchmark Price").

Nasdaq received claims with respect to 791 orders in Category I. FINRA's analysis has determined that claims with respect to 784 of these orders were valid under the terms of the rule, and Nasdaq concurs in this determination. The aggregate value of the valid claims is $20,364,741.96.

The second category of covered claims, as provided in Rule 4626(b)(3)(A)(ii), is SELL Cross orders that were submitted between 11:11 a.m. and 11:30 a.m. on May 18, 2012, that were priced at $42 or less, and that executed at a price below $42 ("Category II"). Sellers who entered orders priced at $42.00 or less between 11:11 a.m. and 11:30 a.m. would have expected their orders to execute in the Cross. Accordingly, if such orders executed at a price less than $42 due to Nasdaq's system difficulties, the member entering the order would incur a loss. Under Rule 4626(b)(3)(B), the measure of loss for such orders is the differential between the expected execution price of $42 and the actual execution price received.

Nasdaq received claims with respect to 242 orders in Category II. FINRA's analysis has determined that claims with respect to 238 of these orders were valid under the terms of the rule, and Nasdaq concurs in this determination. The aggregate value of the valid claims is $9,990,901.52.

The third category of covered claims, as provided in Rule 4626(b)(3)(A)(iii), is BUY Cross orders priced at exactly $42 and that were executed in the Cross but not immediately confirmed ("Category III"). Buyers who entered orders priced at exactly $42 would not have an expectation as to whether their orders would execute in the Cross, since the NOII disseminated by Nasdaq indicated that the relative proportion of buy and sell interest would not allow the execution of all buy orders priced at $42. Accordingly, due to the delay of the dissemination of confirmations until 1:50 p.m., such buyers may have placed and received fills of orders to buy additional FB stock. Alternatively, given the uncertainty as to whether these orders would be executed in the Cross, a member may have allowed its customer to cancel before 1:50 p.m., such that the member would have excess shares when confirmation that the order was filled was provided at 1:50 p.m.

The text of Rule 4626(b)(3)(A)(iii) does not directly state that having excess shares through a duplicative buy order or a cancel is a necessary condition for compensation to be received under this category. The examples provided in explaining the purpose of SR–NASDAQ–2012–090 make this condition clear, however.[9] Specifically, in the absence of one of these conditions resulting in an unexpected long position, the member would either have been able to buy FB at a lower price, if it was not filled in the Cross, or would have received the price it sought in the Cross, and therefore any loss would be purely speculative in nature. *See* Rule 4626(b)(3)(C) (excluding coverage for "alleged or speculative lost trading opportunities"). Accordingly, Nasdaq has instructed FINRA to apply the rule

[9] "Market participants who entered Cross-only eligible buy orders priced exactly at $42.00 that executed in the Cross but that were not confirmed until 1:50 p.m. could not have been sure whether their orders had been executed because the number of buy and sell limit shares priced at the clearing price and wishing to be matched in the Cross is never exactly equal. Consequently, in the interval between 11:30 a.m. and 1:50 p.m., these buyers may have purchased shares in the continuous market, and upon receiving Cross execution messages at 1:50 p.m., they may have experienced an unexpected long position. The sale of such an unexpected long position at a lower price would have occasioned a loss." Proposing Release, 77 FR at 45710. See also Proposing Release, 77 FR at 47511 (Example 6 and Example 7).

in a manner that requires cancellations or additional purchase(s) during the period prior to 1:50 p.m. for the claim to be compensable. Under Rule 4626(b)(3)(B), the applicable measure of loss is the lesser of (i) the differential between the expected execution price of $42 and the actual execution price received, or (ii) the differential between the expected execution price of $42 and the Benchmark Price.[10]

Following the completion of initial assessments of members' claims, Nasdaq concluded that there may have been some confusion regarding the conditions associated with Category III. Accordingly, in an effort to ensure that all potential valid claims were fully considered, on November 4, 2013, Nasdaq contacted all claimants to provide them the opportunity to provide FINRA with additional information to support claims with regard to these orders. Nasdaq received claims with respect to 13,123 orders. FINRA's analysis has determined that claims with respect to 6,644 of these orders were valid under the terms of the rule,[11] and Nasdaq concurs in this determination. The aggregate value of the valid claims is $2,971,394.13.

The fourth category of covered claims, as provided in Rule 4626(b)(3)(A)(iv), is BUY Cross orders priced above $42 and that were executed in the Cross but not immediately confirmed, but only to the extent entered with respect to a customer that was permitted by the member to cancel its order prior to 1:50 p.m., and for which a request to cancel the order was submitted by the member, also prior to 1:50 p.m. ("Category IV"). Nasdaq believes that members that took such actions were reasonably attempting to assist their own customers in responding to the delayed dissemination of Cross transaction reports, and that such members further attempted to communicate their actions to Nasdaq through the submission of cancellations. When the member received confirmation of the execution of the customer's order at 1:50 p.m., the member held shares for which it no longer had a recipient. Under Rule 4626(b)(3)(B), the applicable measure of loss is the lesser of (i) the differential between the expected execution price of $42 and the actual execution price received, or (ii) the differential between the expected execution price of $42 and the Benchmark Price. In this category, however, the outcome was affected not only by Nasdaq system issues, but also by the member's affirmative decision not to await the dissemination of confirmations, despite the fact that the member should reasonably have expected the order to be filled. Accordingly, Rule 4626(b)(3)(B) provides that a portion of the associated losses will be borne by the members, with the amount of compensable loss reduced by 30%.

Nasdaq received claims with respect to 44,966 orders in Category IV. FINRA's analysis has determined that claims with respect to 40,397 of these orders were valid under the terms of the rule, and Nasdaq concurs in this determination. The aggregate value of the valid claims, as reduced by 30% for the reasons described above, is $10,702,864.00.

For a particular member, the total of valid claims under Category I, Category II, Category III, and Category IV is referred to as the "Member's Share". The sum of the Member's Share for all members, which constitutes the maximum amount payable under Rule 4626 with respect to the FB IPO, is $44,029,901.61.

For several reasons, this amount is less than the maximum accommodation pool of $62 million provided for in the rule. First, as has been widely reported in the press, one member that was eligible to file a claim under Rule 4626 opted to forego participation in the program and instituted an arbitration proceeding against Nasdaq.[12] Second, as detailed above, claims with respect to certain orders did not satisfy the requirements of the rule. Notably, in some instances, claims for compensation under Category III did not satisfy the rule because there were not excess shares at 1:50 p.m., and claims for compensation under Category IV did not satisfy the rule because the member did not permit its customer to cancel its order prior to 1:50 p.m. or did not submit a request to cancel to Nasdaq prior to 1:50 p.m. Although Nasdaq's systems provided it with information about the size, price, and entry time of orders submitted to the Cross, as well as the ultimate disposition of those orders, Nasdaq did not have information about the customer-facing activities of its members. Accordingly, in establishing the maximum value of an accommodation pool, Nasdaq needed to assume that all orders in the Cross with the price and entry times specified by the rule might provide the basis for a valid claim. However, for the reasons described above, other actions (*i.e.*, duplicative BUYS or customer cancellations) are required for harm to exist. In conducting its analysis, FINRA fully evaluated claims to determine whether such actions were taken. Accordingly, certain orders in the Cross did not actually provide a basis for a claim. Finally, Nasdaq believes that some members with BUY orders in the Cross did not file claims with respect to such orders because they understood that they had not taken actions that would provide the basis for a valid claim, while other members with *de minimis* potential claims also chose not to file.

IV. Payment Process

As discussed in the Proposing Release, Nasdaq's business and legal relationships are with its members, not its members' customers. Nasdaq has no contractual or other relationships with its members' customers, and generally does not possess information about interactions between a member and its customer that may underlie members' trading activity. Nevertheless, in adopting the FB accommodation rule, Nasdaq was mindful that member's customers were impacted by the processing of member orders in the FB Cross. Accordingly, Rule 4626 requires that to the extent that a member receiving accommodation thereunder had customers that incurred losses, accommodation payments received by members from Nasdaq must be used for the benefit of such customers.

Accordingly, as provided in Rule 4626(b)(3)(F), all accommodation payments are contingent upon a member's submission to Nasdaq, not later than seven days after the effective date of this proposed rule change, an attestation detailing:

(i) the amount of compensation, accommodation, or other economic benefit provided or to be provided by the member to its customers (other than customers that were brokers or dealers trading for their own account) in respect of trading in Facebook Inc. on May 18, 2012 ("Customer Compensation"), and

(ii) the extent to which the losses reflected in the Member's Share[13] were incurred by the member trading for its

[10] The measure is premised on the expectation that the customer or proprietary account on whose behalf the trade was made received a fill or submitted a cancellation prior to 1:50 p.m., making the fill of the Cross order at 1:50 p.m. the unexpected long position that needed to be covered. Thus, the difference between the $42 price of the Cross order and the lesser of the actual execution price associated with selling this position or the Benchmark Price is an appropriate measure of the member's covered loss.

[11] Claims reviewed in the supplemental process were considered under Category III.

[12] See "UBS Challenges Nasdaq's Facebook IPO Plan" (March 25, 2013) (available at *http://blogs.wsj.com/deals/2013/03/25/ubs-challenges-nasdaqs-facebook-ipo-plan*).

[13] Defined specifically as a member's direct trading losses calculated in accordance with paragraphs (b)(3)(A) and (B) of the proposed rule.

own account or for the account of a customer that was a broker or dealer trading for its own account ("Covered Proprietary Losses").

As of October 25, 2013, Nasdaq provided each member that submitted a claim with an initial analysis of the value of its claim, *i.e.*, the value of its Member's Share, along with the required form of attestation. Thereafter, in an effort to ensure that all potential valid claims were fully considered, on November 4, 2013, Nasdaq contacted all claimants to provide them the opportunity to provide FINRA with additional information to support claims, as discussed above. As a result of this process, FINRA prepared supplemental review summary memos with respect to several claims, and the supplemental review summary memos were transmitted to affected members on December 6, 2013. Accordingly, all claimants are in a position to provide the required attestation by December 16, 2013, the deadline mandated by the rule. As provided in Rule 4626(b)(3)(F), failure to provide the required attestation within the specified time limit will void the member's eligibility to receive an accommodation under the rule. Each member is also required to maintain books and records that detail the nature and amount of Customer Compensation and Covered Proprietary Losses. Nasdaq, through FINRA, its regulatory services provider, will examine the accuracy of member's attestation at a later date.

Rule 4626(b)(3)(G) provides that accommodation payments will be made in two tranches of priority:

(i) First, if a member has provided Customer Compensation, the member will receive an amount equal to the lesser of the Member's Share or the amount of Customer Compensation. For example, if a Member's Share was $1 million, and the member had paid, or had committed to pay, compensation to its customers of at least $1 million, the member's expected accommodation would be $1 million. On the other hand, if the Member's Share was $1 million, but the member had paid, or committed to pay, only $500,000 in compensation to its customers, the member's accommodation in the first tranche would be only $500,000.

(ii) Second, the member will receive an amount with respect to Covered Proprietary Losses; provided, however, that the sum of payments to a member under the rule shall not exceed the Member's Share. If a member had both Covered Proprietary Losses and losses associated with customer business, it may receive distributions under both tranches. For example, if a Member's Share was $1 million, the member had $300,000 in Covered Proprietary Losses, and the member had provided $300,000 in Customer Compensation, the member's expected accommodation would be $600,000 in total. Alternatively, if the member had $300,000 in Covered Proprietary Losses and had provided $700,000 or more in Customer Compensation, the member's expected accommodation would be $1 million.

Rule 4626(b)(3)(G) further provides that in the event the amounts calculated under the tranches exceed the maximum accommodation pool of $62 million, amounts paid would be prorated in accordance with the formula described in the rule. Because the total amount of valid claims as determined by FINRA does not exceed $62 million, Nasdaq expects to pay both tranches simultaneously without proration of claims.

One notable issue that arose in the application of the Rule to certain claims was the appropriate treatment of claims for orders entered into Nasdaq under a sponsored access arrangement. Rule 4626(b)(3)(A) provides that "the term 'customer' shall be construed to include any unaffiliated entity upon whose behalf an order is entered, including any unaffiliated broker or dealer." Nasdaq rules permit the existence of sponsored access arrangements, but require oversight by the sponsor, which is required to be a member. *See* Nasdaq Rule 4611(d). An order entered under a sponsored access arrangement is entered through an MPID belonging to the sponsor, even though it originates from the sponsoree. Thus, the order may be construed as being entered by the sponsor on behalf of the sponsoree, causing the sponsoree to fit within the definition of "customer." A claim with respect to orders entered under a sponsored access arrangement would be paid to the sponsor, subject to its certification that it would provide the funds as Customer Compensation to the sponsoree.[14]

Rule 4626(b)(3)(H) provides that final payment of any accommodation payment is contingent upon the execution and delivery to Nasdaq of a release by the member of all claims by it or its affiliates against Nasdaq or its affiliates for losses that arise out of, are associated with, or relate in any way to the FB IPO Cross or to any actions or omissions related in any way to that Cross, including but not limited to the execution or confirmation of orders in FB on May 18, 2012. Failure to provide the release within 14 days after the effective date of this proposed rule change (*i.e.*, by December 23, 2013) will void the member's eligibility to receive an accommodation under the Rule. The release also includes an attachment whereby the claimant may provide Nasdaq with payment instructions. Nasdaq will pay all valid claims in accordance with the payment instructions provided, immediately upon the expiration of the 60-day time period during which this filing is subject to suspension by the Commission. By its terms, the release will be effective on the date on which payment to the member is provided in accordance with the payment instructions provided.

This proposed rule change is not intended to and does not affect the limitations of liability set forth in Nasdaq's agreements or SEC-sanctioned rules,[15] or those limitations or immunities that bar claims for damages against Nasdaq as a matter of law. Rather, they reflect Nasdaq's determination to implement a fair and equitable accommodation policy that takes into account the impacts of Nasdaq's system issues on the investing public and members.

2. Statutory Basis

Nasdaq believes that the accommodation proposal is consistent with Section 6(b) of the Act[16] in general, and furthers the objectives of Section 6(b)(5) of the Act[17] in particular, because the proposal is

[14] For Category IV claims, if the sponsoree itself had customer(s) permitted to cancel order(s) prior to 1:50 p.m., and the sponsoree in fact submitted a cancellation to NASDAQ prior to 1:50 p.m., the claim would be construed as valid. This fact pattern did not occur in any of the filed claims, however.

[15] Notably, the Commission has repeatedly determined that rules limiting SRO liability, such as Rule 4626(a), are consistent with the Act. *See, e.g.*, BATS Exchange and BATS–Y Exchange Rules 11.16; C2 Options Exchange Rule 6.42; CBOE Options Exchange Rule 6.7; CME Rule 578; EDGA and EDGX Rules 11.12; ISE Rule 705; NASDAQ OMX PHLX Rule 3226; NASDAQ OMX BX Rule 4626; NYSE Rules 17 and 18; NYSE MKT Rule 905NY; NYSE Arca (Options) Rule 14.2; NYSE Arca (Equity) Rule 13.2; One Chicago Rule 421.

[16] 15 U.S.C. 78f(b) (setting forth the prerequisites for registration as a national securities exchange).

[17] 15 U.S.C. 78f(b)(5) (requiring that an exchange's rules be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and not (be) designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this chapter matters not related to the purposes of this chapter or the administration of the exchange").

designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In the Approval Order, the Commission found that Rule 4626(b)(3) is consistent with the Act because it "sets forth objective and transparent processes to determine eligible claims and how such claims would be paid to Nasdaq members that elect to participate in the accommodation plan." The Commission further determined that providing compensation pursuant to the rule would be in the public interest and that the rule would encourage members to compensate their customers. Similarly, Nasdaq believes that this proposed rule change is consistent with the Act because it will allow Nasdaq to accomplish the approved objectives of the Rule 4626(b)(3) through final payment of eligible claims. As described above, FINRA, in its role as a neutral third party, has conducted an exhaustive analysis of submitted claims, measuring relevant data against the rule's objective benchmarks to ascertain the value of each member's claims, and Nasdaq has reviewed and concurs in FINRA's analysis. Based on this analysis, and subject to completion by claimants of the remaining conditions to payment, Nasdaq will be able to pay the full amount of valid claims immediately upon the expiration of the 60-day time period during which this filing is subject to suspension by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposed rule change does not relate to the provision of goods or services, nor does it impose regulatory restrictions on the ability of members to compete. Accordingly, the change does not affect competition in any respect.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2013–152 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–152. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–152, and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30448 Filed 12–20–13; 8:45 am]

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[18] 15 U.S.C. 78s(b)(3)(a)(ii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71087; File No. SR–Topaz-2013–17]

Self-Regulatory Organizations; Topaz Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Market Data Offerings

December 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 5, 2013, Topaz Exchange LLC (d/b/a ISE Gemini) (the "Exchange" or "Topaz") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. Topaz has designated the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Topaz is proposing is proposing [sic] to establish certain market data offerings. The proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to establish three market data offerings: the Topaz order feed ("Order Feed"), the Topaz top quote feed ("Top Quote Feed"), and the Topaz depth of market raw data feed ("Depth Feed").

The Order Feed provides real-time data on every order that rests on the Topaz order book. The Top Quote Feed provides real-time aggregated volume of all quotes and orders at the top price level on the Exchange, i.e., the Best Bid or Offer ("BBO"). Finally, the Depth Feed provides real-time aggregated volume of all quotes and orders available at each of the top five price levels on the Exchange. Each of these market data feeds is described in greater detail below. The feeds provide valuable information that can help subscribers make informed investment decisions, and operate in the same manner as feeds offered by the International Securities Exchange, LLC ("ISE"). Each of these feeds is available to members and non-members, and to both professional and non-professional subscribers. The Exchange will submit a separate proposal to establish fees for these market data offerings, which will be provided to market participants for free until such fees are adopted.

Order Feed

The Order Feed provides real-time updates to subscribers every time a new limit order that is not immediately executable at the BBO is placed on the Topaz order book. The Order Feed also announces the commencement of auctions including Flash, Facilitation, Solicitation, Block Order and Price Improvement Mechanisms, as well as Directed Orders, but does not include Immediate or Cancel ("IOC") or Fill or Kill ("FOK") orders, quotes, or any non-displayed interest. The information included on the Order Feed includes auction type, order side (i.e., buy/sell), order price, order size, and a market participant (e.g., priority customer) indicator, as well as details for each instrument series, including the symbols (series and underlying security), put or call indicator, the expiration date, and the strike price of the series. While the Options Price Reporting Authority ("OPRA") feed, as well as the Top Quote and Depth Feeds each provide aggregated order and quote information, the Order Feed provides each individual limit order, not including quote traffic, resulting in lower bandwidth usage and less data for subscribers to process.

Top Quote & Depth Feeds

The Top Quote and Depth Feeds are each real-time market data feeds that aggregate non-marketable, displayed quotes and orders on the Exchange on both the bid and offer side of the market. The Top Quote Feed provides aggregate quotes and orders at the top price level on the Exchange, and provides subscribers with a consolidated view of tradable prices at the BBO or "top of book." The Depth Feed, on the other hand, provides aggregate quotes and orders at the top five price levels on the Exchange, and provides subscribers with a consolidated view of tradable prices beyond the BBO, showing additional liquidity and enhancing transparency for Topaz traded options. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status. In addition, subscribers are provided with total quantity, customer quantity (if present), price, and side (i.e., bid/ask). This information is provided for the top price level on the Top Quote Feed, and for each of the five indicated price levels on the Depth Feed.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[4] in general and with Section 6(b)(5) of the Act,[5] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of more useful proprietary data and also by clarifying its availability to market participants.

Additionally, the Exchange is making a voluntary decision to make this data available as it is not required to furnish this data under the Act. The Exchange chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. The Exchange notes that the data provided on each of these feeds is the same as data provided by the ISE with respect to options traded on that exchange. The Exchange believes that is in the public interest to make similar information available with respect to options traded on Topaz.

The Order, Top Quote, and Depth Feeds are each designed to promote just and equitable principles of trade by providing all subscribers with data that should enable them to make informed decisions on trading in Topaz options by using the data to assess current market conditions that directly affect such decisions. The market data provided by each of these feeds removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the Topaz market

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(5).

more transparent and accessible to market participants making routing decisions concerning their options orders.

The market data products are also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other exchanges, and will enable Topaz to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes that the proposed market data products will enhance competition in the U.S. options markets by providing similar data to that which is currently provided on other options exchanges. The Exchange believes that each of these market data feeds will help attract new users and new order flow to the Exchange, thereby improving the Exchange's ability to compete in the market for options order flow and executions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b-4(f)(6) thereunder.[7]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR-Topaz-2013–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR-Topaz-2013–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Topaz-2013–17 and should be submitted on or before January 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30439 Filed 12–20–13; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8565]

30-Day Notice of Proposed Information Collection: Voluntary Disclosures

ACTION: Notice of request for public comment and submission to the Office of Management and Budget of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment.

DATES: Submit comments directly to OMB up to January 22, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at OMB. You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov*. You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information to Mr. Nicholas Memos, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC, 20522–0112, who may be reached via

phone at (202) 663–2829, or via email at *memosni@state.gov*.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Voluntary Disclosures.
- *OMB Control Number:* 1405–0179.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* None.
- *Respondents:* Business and Nonprofit Organizations.
- *Estimated Number of Respondents:* 850.
- *Estimated Number of Responses:* 1,500.
- *Average Hours Per Response:* 10 hours.
- *Total Estimated Burden:* 15,000 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public records. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The export, temporary import, and brokering of defense articles, defense services, and related technical data are licensed by the Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations ("ITAR," 22 CFR 120–130) and Section 38 of the Arms Export Control Act (AECA). Those who manufacture or export defense articles, defense services, and related technical data, or the brokering thereof, must register with the Department of State. Persons desiring to engage in export, temporary import, and brokering activities must submit an application or written request to conduct the transaction to the Department to obtain a decision whether it is in the interests of U.S. foreign policy and national security to approve the transaction. Also, registered brokers must submit annual reports regarding all brokering activity that was transacted, and registered manufacturers and exporters must maintain records of defense trade activities for five years. ITAR § 127.12 encourages the disclosure of information to DDTC by persons who believe they may have violated any provision of the AECA, ITAR, or any order, license, or other authorization issued under the AECA. The violation is analyzed by DDTC to determine whether to take administrative action under ITAR part 128 and whether to refer the matter to the Department of Justice for possible prosecution.

Methodology: This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: Electronically or mail.

Dated: December 6, 2013.

C. Edward Peartree,

Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2013–30502 Filed 12–20–13; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review Seattle-Tacoma International Airport Seattle, Washington

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Port of Seattle for the Seattle-Tacoma International Airport under the provisions of 49 U.S.C. 47501 *et. seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed Noise Compatibility Program that was submitted for Seattle-Tacoma International Airport under Part 150 in conjunction with the Noise Exposure Map, and that this program will be approved or disapproved on or before June 10, 2014.

DATES: *Effective Date:* The effective date of the FAA's determination on the Noise Exposure Maps and of the start of its review of the associated Noise Compatibility Program is December 13, 2013. The public comment period ends February 11, 2014.

FOR FURTHER INFORMATION CONTACT: Cayla Morgan, Federal Aviation Administration Seattle Airports District Office, 1601 Lind Avenue SW., Renton, Washington, 98057, (425) 227–2653. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This Notice announces that the FAA finds that the Noise Exposure Maps submitted for Seattle-Tacoma International Airport are in compliance with applicable requirements of part 150, effective December 13, 2013. Further, FAA is reviewing a proposed Noise Compatibility Program for that Airport which will be approved or disapproved on or before June 10, 2014. This notice also announces the availability of this Program for public review and comment.

Under 49 U.S.C., Section 47503 (the Aviation Safety and Noise Abatement Act, (the Act), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Port of Seattle submitted to the FAA on October 24, 2013 Noise Exposure Maps, descriptions and other documentation that were produced during the Seattle-Tacoma International Airport part 150 Noise Compatibility Study Update conducted between November 6, 2009 and October 24, 2013 It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 47504 of the Act.

The FAA has completed its review of the Noise Exposure Maps and related descriptions submitted by the Port of Seattle. The specific documentation determined to constitute the Noise Exposure Maps includes: Existing (2013) Noise Exposure Map (Exhibit NEM–1), (Exhibit 3–14) and the Future (2018) Noise Exposure Map (Exhibit NEM–2), (Exhibit 3–15) and Future (2018) Noise Exposure Map/Noise Compatibility Program (Exhibit 6–2). The FAA has determined that these maps for Seattle-Tacoma International Airport are in compliance with applicable requirements. This determination is effective on December 13, 2013. FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Seattle-Tacoma International Airport, also effective on December 13, 2013. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 10, 2014.

The FAA's detailed evaluation will be conducted under the provisions of part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, Airports District Office, 1601 Lind Avenue SW., Renton, Washington 98057.

Port of Seattle, Airport Noise Office, Seattle-Tacoma International Airport, Seattle, Washington 68727.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Renton, Washington: December 13, 2013.

Stanley C. Allison,

Acting Division Manager, Airports, Northwest Mountain Region.

[FR Doc. 2013–30484 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Revise Notice of Intent for an Environmental Impact Statement: State Route (SR) 95 Realignment Study: Interstate 40 to SR 68, Mohave County, Arizona

AGENCY: Federal Highway Administration (FHWA), United States Department of Transportation (DOT).

ACTION: Revised Notice of Intent (NOI).

SUMMARY: FHWA is issuing this Revised NOI to advise the public of a change to the environmental review process for the proposed realignment of State Route (SR) 95 in Mohave County, Arizona. FHWA and the project sponsor, the Arizona Department of Transportation (ADOT), intend to use a tiered process to facilitate project decision-making. This notice revises the NOI that was published in the **Federal Register** on June 1, 2007.

The proposed tiering approach will allow FHWA and ADOT to identify potential corridors and to broadly evaluate a range of potential environmental impacts and mitigation approaches in Tier 1. The Tier 1 analysis will utilize as appropriate technical data obtained thus far in the environmental review process. Subsequently, in Tier 2, the agencies will evaluate project-level, site-specific impacts, and required mitigation and commitments.

FOR FURTHER INFORMATION CONTACT: Alan Hansen, Team Leader—Planning, Environment & Realty, Federal Highway Administration, 4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012–3500, Telephone: (602) 382–8964, Email: *alan.hansen@dot.gov.*

SUPPLEMENTARY INFORMATION: On June 1, 2007, FHWA and ADOT, in cooperation with Mohave County and the City of Bullhead City, issued an NOI to prepare an EIS for the proposed realignment of SR 95 in Mohave County, Arizona (**Federal Register** Vol. 72, No. 105). The study area begins approximately 2 miles south of Interstate 40 near Topock, Arizona and extends north to SR 68 near Bullhead City, Arizona. Information and documents regarding the environmental review process will be made available for the duration of the Tier 1 EIS process on the following Web site: *https://www.azdot.gov/projects/far-west/sr-95-realignment-study-i-40-to-sr-68.*

Public Involvement: Public outreach will continue throughout this Tier 1 EIS process. At least one public hearing will be held during the study, and the Draft EIS will be available for public and agency review and comment prior to the public hearing.

Purpose and Need: The Tier 1 EIS will evaluate alternatives that address the following needs of the SR 95 corridor: (1) Increasing traffic volumes will lead to capacity deficiencies on SR 95 within the study area; (2) the operation of SR 95 will fail by the design year 2040 through much of the study area; (3) much of the length of the roadway will continue to be used for regional and local traffic, which is not consistent with its intended function; and (4) critically high accident rates will continue into the foreseeable future unless measures are undertaken to address at least some of the factors causing the accidents. Therefore, the

purpose of the proposed action is to identify the appropriate transportation solution(s) to rectify the increasing inability to safely and effectively move people, goods, and services through the study area.

Alternatives: Alternative corridors will be developed within the previously defined study area.

Environmental Review Process: The EIS will be developed in accordance with Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] part 1500 *et seq.*) implementing NEPA (42 U.S.C. 4321 *et seq.*), and FHWA regulations. FHWA and ADOT will use a tiered process, as provided for in 40 CFR 1508.28 and in accordance with FHWA guidance, in the completion of the environmental study.

If the Record of Decision indicates that FHWA has selected one of the alternative corridors as the environmentally preferred alternative, the evaluation of a specific highway alignment within the selected corridor would occur in a subsequent phase of the study. Subsequent Tier 2 assessment(s) would address a proposed highway alignment to be developed within the alternative corridor selected in the Tier 1 EIS, and would incorporate by reference the Tier 1 data, evaluations, and findings. The Tier 2 NEPA evaluation(s) would concentrate on site-specific issues and alternatives relevant to implementing a new highway alignment within the selected Tier 1 alternative corridor, and would identify the environmental consequences and measures necessary to mitigate environmental impacts at a site-specific level of detail.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 315; U.S.C. 771.123.

Issued on: December 10, 2013.

Karla S. Petty,

FHWA Division Administrator, Phoenix, AZ.

[FR Doc. 2013–30310 Filed 12–20–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Integrated Corridor Management Deployment Planning Grants

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of extension of application period.

SUMMARY: The FHWA is extending the application period for the Integrated Corridor Management Deployment Planning Grants, which was issued through a notice on November 1, 2013, at 78 FR 65751. The original application period is set to close on December 31, 2013. The extension is based on input received from DOT stakeholders that the December 31 closing date does not provide sufficient time for submission of applications. The FHWA agrees that the application period should be extended. Therefore, the closing date for applications is extended to January 17, 2014.

DATES: Formal applications must be submitted no later than January 17, 2014 to be assured consideration. Applications should be submitted through *http://www.grants.gov.*

FOR FURTHER INFORMATION CONTACT: For questions about the program discussed herein, contact Mr. Robert Sheehan, FHWA Office of Transportation Management, (202) 366–6817, or via email at *Robert.Sheehan@dot.gov*, or Mr. Brian Cronin, Team Leader, Research, Research and Innovative Technology Administration ITS-Joint Program Office, (202) 366–8841 or via email at *Brian.Cronin@dot.gov*. For legal questions, please contact Adam Sleeter, Attorney Advisor, FHWA Office of the Chief Counsel, (202) 366–8839, or via email at *adam.sleeter@dot.gov*. Business hours for the FHWA are from 8:00 a.m., e.t., to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2013, at 78 FR 65751, the FHWA published in the **Federal Register** a notice regarding the Integrated Corridor Management Deployment Planning Grants. The purpose of this notice was to invite States, Metropolitan Planning Organizations, and local governments that intended to initiate or continue Integrated Corridor Management development with their partners, such as arterial management agencies, tolling authorities, and transit authorities, to apply for deployment planning grants. The Moving Ahead for Progress in the 21st Century Act authorizes the FHWA to encourage Intelligent Transportation Systems deployment on the national highway system through demonstrations and grant programs. The purpose of this program is to promote the integrated management and operations of the transportation system, thereby improving multimodal transportation system management and operations.

The original application period is set to close on December 31, 2013. The extension in this notice is based on input received from DOT stakeholders that the December 31 closing date does not provide sufficient time for submission of applications. The FHWA agrees that the application period should be extended. Therefore, the closing date for applications is extended to January 17, 2014.

Issued on: December 16, 2013.

Victor M. Mendez,

FHWA Administrator.

[FR Doc. 2013–30487 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2013–0002–N–27]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), United States Department of Transportation (USDOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection requests (ICRs) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than February 21, 2014.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number _____." Alternatively, comments may be

transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via email to Mr. Brogan at *Robert.Brogan@dot.gov,* or to Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Bridge Safety Standards.

OMB Control Number: 2130–0586.

Abstract: The collection of information is used by FRA to ensure that railroads/track owners meet Federal safety standards for bridge safety and comply with all the requirements stipulated under the Railroad Safety Improvement Act (RSIA) of 2008 and 49 CFR 237. In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains over them for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges. Further, railroads must incorporate provisions for internal audit into their bridge management program and must conduct internal audits of bridge inspection reports. The internal audit information is used by railroads/track owners to verify that the inspection provisions of the bridge management program are being followed and to continually evaluate the effectiveness of their bridge management program and bridge inspection activities. FRA uses this information to ensure that railroads/track owners implement a safe and effective bridge management program and bridge inspection regime.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 693 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
237.3				
Notifications to FRA of Assignment of Bridge Responsibility.	693 Railroads	15 notifications	90 minutes	22.5
Signed Statement by Assignee Concerning Bridge Responsibility.	693 Railroads	15 signed statements	30 minutes	7.5
237.9				
Waivers—Petitions	693 Railroads	12 petitions	4	48
23731/33				
Development/Adoption of Bridge Management Program.	693 Railroads	693 plans	Varies	20,100
237.57				
Designation of Qualified Individuals	693 Railroads	200 designation	30 minutes	100
237.71				
Determination of Bridge Load Capacities	693 Railroads	2,000 determinations	8	16,000
237.73				
Issuance of Instructions to Railroad Personnel by Track Owner.	693 Railroads	2,000 instructions	2	4,000
237.105				
Special Bridge Inspections and Reports/Records.	693 Railroads	7,500 insp. and reports/records.	12.50 hours	93,750
Special Underwater Inspections	693 Railroads	50 insp. andReports/rcds.	40 hours	2,000
237.107 and 237.109				
Nationwide Annual Bridge Inspections—Reports.	693 Railroads	18,000 insp. & reports	4 hours	72,000
Records	693 Railroads	18,000 records	1 hour	18,000

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Report of Deficient Condition on a Bridge (New Requirement from NPRM)	693 Railroads	50 reports	30 minutes	25
237.111				
Review of Bridge Inspection Reports by RR Bridge Engineers.	693 Railroads	2,000 insp. rpt. reviews	30 minutes	1,000
Prescription of Bridge Insp. Procedure Modifications After Review.	693 Railroads	200 insp. proc. modifications.	30 minutes	100
237.131				
Design of Bridge Modifications or Bridge Repairs.	693 Railroads	1,250 designs	16 hours	20,000
Bridge Modification Repair Reviews/Supervisory Efforts.	693 Railroads	1,250 br. mod. repair reviews.	1.50 hours	1,875
Common Standard Designed by Railroad Bridge Engineer (New Requirement from NPRM).	693 Railroads	50 standards	24 hours	1,200
237.153				
Audits of Inspections	693 Railroads	693 insp. audits	80 hours/24 hours/6 hours.	5,470
237.155				
Documents and Records	693 Railroads	5 systems	80 hours	400
Establishment of RR Monitoring and Info. Technology Security Systems for Electronic Recordkeeping.				
Employees Trained in System	693 Railroads	100 employees	8 hours	800

Estimated Total Annual Burden: 256,898 hours.

Status: Extension of a Currently Approved Collection.

Title: Locomotive Crashworthiness.

OMB Control Number: 2130–0564.

Abstract: In a final rule published on June 28, 2006, the Federal Railroad Administration (FRA) issued comprehensive standards for locomotive crashworthiness. These crashworthiness standards are intended to help protect locomotive cab occupants in the event of a locomotive collision. The collection of information is used by FRA ensure that locomotive manufacturers and railroads meet minimum performance standards and design load requirements for newly manufactured and remanufactured locomotives in order to help protect locomotive cab occupants in the event that one of these covered locomotives collides with another locomotive, the rear of another train, a piece of on-track equipment, a shifted load on a freight car on an adjacent track, or a highway vehicle at a rail-highway grade crossing.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 685 railroads and 4 Locomotive Manufacturers.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
229.207—Petition for FRA Approval of New Locomotive Crashworthiness Standards.	685 Railroads + 4 Loco. Manufacturers.	2 petitions	1,050 hours	2,100
Petition for FRA Approval of Substantive Change to FRA-Approved Crashworthiness Design Standard.	685 Railroads + 4 Loco. Manufacturers.	1 petition	1,050 hours	1,050
Petition for FRA Approval of Non- Substantive Change to FRA-Approved Crashworthiness Design Standard.	685 Railroads + 4 Loco. Manufacturers.	1 petition	400 hours	400
229.209				
Waivers—Petition for FRA Approval of Alternative Locomotive Crashworthiness Design Standard.	685 Railroads + 4 Loco. Manufacturers.	1 petition	2,550 hours	2,550
229.211				
Comments on FRA Notice of Petitions Received by the Agency.	4 Loco. Makers/RR Associations/Labor Organizations/Public.	10 comments	16 hours	160
229.213				
Locomotive Manufacturing Information: Retention of Required Information.	685 Railroads	1,000 records or stickers or badge plates.	6 minutes	100
229.215				
Retention of Records—Original Designs	4 Loco. Manufacturers	24 loco. Record	8 hours	192
Retention of Records—Repairs and Modifications.	685 Railroads	6 records	4 hours	24
Inspection of Records	6 Loco. Manufacturers/ Rebuilders.	10 records	2 minutes	.33

Estimated Total Annual Burden: 6,544 hours.

Status: Extension of a Currently Approved Collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 13, 2013.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2013–30363 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2013–0002–N–24]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), United States Department of Transportation (USDOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than February 21, 2014.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Ms. Janet Wylie or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130–0580." Alternatively, comments may be transmitted via facsimile to (202) 493–6170, or via email to Ms. Wylie at *janet.wylie@dot.gov,* or to Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Wylie, Office of Information and Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6353) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Notice of Funding Availability and Solicitations of Applications for Grants under the Railroad Rehabilitation and Repair Grant Program.

OMB Control Number: 2130–0580.

Abstract: The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110–329; September 30, 2008), established the Railroad Rehabilitation and Repair Program, making Federal funds available directly to States. This Program allowed grants to fund up to 80 percent of the cost of rehabilitation and repairs to Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas that are located in counties that have been identified in a Disaster Declaration for Public Assistance by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Funding was made available on a reimbursement basis for costs incurred after a major disaster declaration that was made between January 1, 2008 and the date of the publication of the notice of funding availability in the counties covered by such a declaration. Rehabilitation and repairs include rights-of-way, bridges, signals, and other infrastructure which is part of the general railroad system of transportation and primarily used by railroads to move freight traffic.

FRA recently revised this Information Collection Request (ICR) to allow for the submission of additional grants under this program based on the Notice of Funding Availability published by FRA on 10/13/2013 and the emergency clearance request approved by OMB on 11/05/2013. Any grants submitted as part of this previous ICR were due by December 9, 2013. Therefore, this revision no longer includes any burden hours for the application process, as no new applications are being accepted at this time.

Due to the nature of these disaster assistance funds, current economic conditions, and the various States need for immediate assistance to vital freight transportation pathways and the important role these sectors of transportation play in the overall national economy, FRA is requesting OMB to extend this ICR in order to manage the current grants obligated

under this program until the remaining grants have properly closed-out and are completed.

Form Number(s): SF–425, SF–271, SF–270.

Affected Public: Railroads, businesses, States/Local governments.

Reporting Burden: Close-out procedures.

Respondent Universe: 49.

Total Annual Responses: 6.

Average Time per Response: 84.

Total Annual Burden Hours: 504.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 3, 2013.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2013–30364 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on February 27, 2012 (77 FR 11626). No comments were received on this matter.

This document describes the collection of information for which NHTSA intends to seek OMB approval. The collection of information described is the "Consolidated Child Restraint System Registration, Labeling and Defect Notification." (OMB Control Number: 2127–0576)

DATES: Comments must be submitted on or before January 22, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Cristina Echemendia at U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue SE., West Building Room W43–447, NVS–113, Washington, DC 20590. Mrs. Cristina Echemendia's telephone number is (202) 366–6345 and fax number is (202) 366–7002.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Consolidated Child Restraint System Registration, Labeling and Defect Notifications.

OMB Control Number: 2127–0576.

Type of Request: Label revision of a currently approved collection.

Abstract: A final rule published on February 27, 2012 (77 FR 11626) amended the Federal motor vehicle safety standard for child restraint systems (CRSs) to expand its applicability to child restraints sold for children weighing up to 80 pounds (lb). The final rule also added a sentence to the printed instructions and labeling of certain CRSs (those that have internal harnesses, and that are recommended for older children). Currently, child restraint manufacturers are required to provide printed instructions with step by-step information on how the restraint is to be used. Without proper use, the effectiveness of these systems is greatly diminished. Each CRS must also have a permanent label.[1] A permanently attached label gives "quicklook" information on whether the restraint meets the safety requirements, recommended installation and use, and warnings against misuse. The requested revision is to add a sentence to the existing instructions brochure and labeling that will inform the consumer that the lower anchors of a Lower Anchors and Tethers for Children (LATCH) system may only be used for children weighing "x" lb or less, where the "x" value depends on the weight of the CRS. The purpose of this label is to reduce consumer confusion about using LATCH, and to assure that the lower anchors will be able to withstand the forces generated by the child and CRS, in virtually all crashes.

Under the final rule, CRSs equipped with internal harnesses to restrain the child and with components to attach to a child restraint anchorage system, will be required to be labeled with a child weight limit for using the lower anchors to attach the child restraint to the vehicle. The child weight limit depends on the weight of the CRS. NHTSA anticipates a change to the hour burden or costs associated with the revised child restraint labels and written instructions. Child restraint manufacturers produce, on average, a total of approximately 4,500,000 child restraints per year. The label would apply to approximately 50 percent of the total annual production (2,250,000 units). The hour burden associated with the revised label consist of the child restraint manufacturer: (1) Determining the maximum allowable child weight when using the lower LATCH anchor attachments as a means of installation and (2) adding this information on an existing label and instruction manual. We estimate 2 seconds of additional burden per child restraint for the determination of the maximum allowable weight and the addition of the information on the existing label and instruction manual (2 sec × 2,250,000 units = 4,500,000 seconds = 1,250 hours).

Affected Public: Businesses, Individuals and Households.

Estimated Additional Annual Burden: 1,250 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2013–30370 Filed 12–20–13; 8:45 am]

BILLING CODE 4910–59–P

[1] FMVSS No. 213 also requires child restraint manufacturers to provide owner-registration cards and to keep records relating to owner registration information, so that owners can be notified about noncompliance or defect recall campaigns. These owner registration requirements are not affected by the final rule (77 FR 11626).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 18, 2013.

The Department of the Treasury is planning to submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Comments should be received on or before February 21, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to James Gatz, Senior Program and Policy Advisor, Office of Consumer Policy, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington, DC 20220. (202) 622–3946.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov*, or the entire information collection request maybe found at *www.reginfo.gov*.

Departmental Offices

OMB Number: 1505–0230.

Type of Review: Extension.

Title: Garnishment of Accounts Containing Federal Benefit Payments.

Abstract: The rule establishes straightforward, uniform procedures that financial institutions must follow when a garnishment order is received for an account into which Federal benefit payments have been directly deposited. Financial institutions that comply with the required procedures are given a safe harbor under the rule. The rule requires a financial institution to review the account, to determine if any exempt benefit payments have been directly deposited within the 60 calendar days prior to the receipt of the garnishment order, and, if so, requires the financial institution to ensure that the account holder has access to a protected amount of funds in the account. Once the account review is completed the financial institution must notify the accountholder of the receipt of the garnishment order and provide certain additional information. In addition, a financial institution must maintain certain records of account activity and actions taken in response to garnishment orders sufficient to demonstrate compliance with the rule.

Affected Public: Businesses or other for-profit institutions.

Estimated Total Annual Burden Hours: 24,167.

Dawn Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–30509 Filed 12–20–13; 8:45 am]

BILLING CODE 4810–25–P

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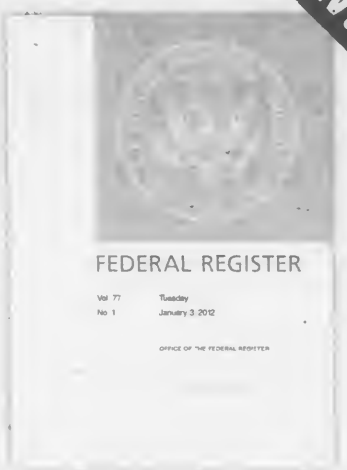

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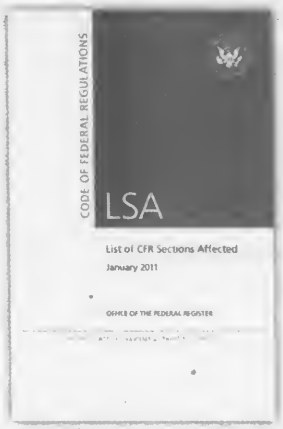

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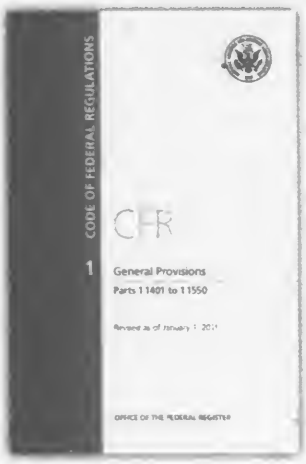

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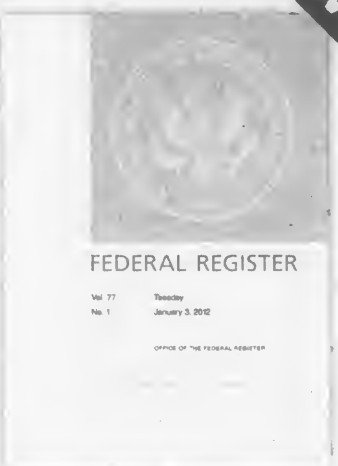

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